



Michigan House Commerce Committee

October 9, 2007

Edward S. Nagorsky, General Counsel

National Kitchen & Bath Association

*About the National Kitchen & Bath Association*

*The National Kitchen & Bath Association (NKBA) is a non-profit trade association that has educated and led the kitchen and bath industry since 1963. With nearly 40,000 members and growing, NKBA owns the Kitchen/Bath Industry Show & Conference (K/BIS), the world's largest trade show dedicated to the kitchen and bath industry. The mission of NKBA is to enhance member success and excellence, promote professionalism and ethical business practices and provide leadership and direction for the kitchen and bath industry. For more information, visit [www.nkba.org](http://www.nkba.org) or contact the NKBA at 800-843-6522*

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# Newsweek

March 22, 2007

## Wallpapering With Red Tape

By George F. Will

PHOENIX — In the West, where the deer and the antelope used to play, the spirit of "leave us alone" government used to prevail. But governments of Western states are becoming more like those elsewhere, alas.

Consider the minor — but symptomatic — matter of the government-abetted aggression by "interior designers" against mere "decorators," or against interior designers whom other interior designers wish to demote to the status of decorators. Some designers think decorators should be a lesser breed without the law on its side.

Those categories have blurry borders. Essentially, interior designers design an entire space, sometimes including structural aspects; decorators have less comprehensive and more mundane duties — matching colors, selecting furniture, etc.

In New Mexico, anyone can work as an interior designer. But it is a crime, punishable by a fine of up to \$1,000 and up to a year in prison, to list yourself on the Internet or in the Yellow Pages as, or to otherwise call yourself, an "interior designer" without being certified as such. Those who favor this censoring of truthful commercial speech are a private group that controls, using an exam administered by a private national organization, access to that title.

This is done in the name of "professionalization," but it really amounts to cartelization. Persons in the business limit access by others — competitors — to full participation in the business.

Being able to control the number of one's competitors, and to dispense the pleasure of status, is nice work if you can get it, and you can get it if you have a legislature willing to enact

"titling laws." They regulate — meaning restrict — the use of job descriptions. Such laws often are precursors of occupational licensing, which usually means a mandatory credentialing process to control entry into a profession with a particular title.

In Nevada, such regulation has arrived. So in Las Vegas, where almost nothing is illegal, it is illegal — unless you are licensed, or employed by someone licensed — to move, in the role of an interior designer, any piece of furniture, such as an armoire, that is more than 69 inches tall. A Nevada bureaucrat says that "placement of furniture" is an aspect of "space planning" and therefore is regulated — restricted to a "registered interior designer."

Placing furniture without a license? Heaven forbid. Such regulations come with government rationing of the right to practice a profession. Who benefits? Creating artificial scarcity of services raises the prices of those entitled to perform the services. The pressure for government-created scarcity is intensifying because the general public — rank amateurs — are using the Internet to purchase things and advice, bypassing designers.

What has happened in Las Vegas will not stay there. It will come to Arizona, and to other states that do not already have it, unless the likes of Robert Lashua and Lynne Breyer succeed in turning back the minority of this state's interior designers who are trying to erect barriers to entry into that profession.

Lashua and Breyer have the help of the Arizona chapter of the Institute for Justice, libertarian litigators with many successes in resisting such "rent-seeking." That phrase denotes the

practice of using public power to confer private advantage — generally, getting government to impose a regulatory hardship on your competitors.

It is not true that businesses, as a matter of principle, want to fend off government regulation. Businesses have a metabolic urge to make money, which is as it should be. But when a compliant government gives them the opportunity to use government regulations to enhance their moneymaking, that metabolic urge will overpower any principles about the virtues of free (from government intervention) enterprise.

Commercial interests solicit regulations to obtain commercial advantage, as with titling laws. Such laws are instances of rent-seeking.

Beyond the banal economic motive for such laws, they also involve a more bizarre misuse of government. They assuage the status anxieties of particular groups by giving them the prestige, such as it is, that comes from government recognition as a certified profession.

But government licenses professions to protect the public and ensure quality. It licenses engineers and doctors because if their testable skills are deficient, bridges collapse and patients die. The skills of interior designers are neither similarly measurable nor comparably disastrous when deficient. Perhaps designers could show potential clients a portfolio of their work, and government could trust the potential clients to judge. Just a thought.

Thomas Hobbes thought that liberties "depend on the silence of the law." From lawmakers here, and everywhere else, more silence on the matter of titles would be welcome.

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TALK2US

## Interior Design Shouldn't Be an Exclusive Field of Knowledge

Posted June 1, 2005

I'd like to applaud some of the approaches to teaching interior design that were mentioned by Shashi Caan in her recent interview ("[Why Shashi Caan Is Overhauling Interior Education](#)"). I'd also like to raise serious issue with some of her other thoughts.

First, I think she is going down the right track when she proposes that students study interior design in full-scale, virtual 3-D projections. Interior design differs from architecture in its concentration on full-size details, and in the sense of immersion we get when we experience real interiors. Parts of today's aviation construction industry, which are also poorly served by the last century's architectural drafting conventions, have already adopted this approach to great effect by using goggles and immersive projections.

Also, because experience rather than form is paramount in interior design, using graphic storyboarding and film-editing techniques to describe the function of an interior design makes perfect sense. Interior design programs that have a strong art and technology faculty as neighbors will move more quickly in the right direction.

On the other hand, I think Caan is off-track when she tries to capture a well-delineated body of knowledge and call it the exclusive territory of interior design. Most significant design opportunities require us to regularly cross the imaginary borders around [different bodies] of knowledge...[and use] techniques gleaned from a broad variety of academic disciplines, including anthropology and social psychology. These techniques of research and analysis are still best deployed in the comprehensive design studio, which is still the best place to attempt a design synthesis that approaches maturity. And even then we might want to circle back to include the development of taste and a strong individual sensibility.

[...] There is no intellectually defensible way to completely separate the study of interiors from that of the architecture that surrounds them. Interior architecture exists as a field of study and work because of this fact. Anyone who has ever strolled through the Gallerie Vivienne, after Percier and Fontaine, will immediately understand that there are concrete fields of endeavor such as interior architecture, and even interior urbanism, especially in today's super-large buildings.

[...] These intellectual endeavors and their built progeny have existed for centuries, and they pre-date and put the lie to the recent mincing legislation [such as New York's Interior Design Title Act] that some states have passed in a misguided attempt to cordon off the allowable application of design knowledge into the world. Under the guise of protecting the public, this legislation is actually a rank attempt at trade protectionism. In today's climate of deregulated competition, it is no wonder that Governor Pataki will not fall back into a trade protectionist posture.

[...] The history of innovation in the United States is at risk because of this restrictive legislation that is being pushed through less-than-alert state legislatures by well-funded, self-serving lobbying organizations. Remember that Thomas Edison crossed between the supposedly separate fields of acoustics and electricity because his sensibility and innate curiosity lead him to. Consider the actress Hedy Lamarr's contribution to the invention of the frequency-hopping technology so prevalent in radio communications today: she did that because she could, not because she was allowed a particular boundary of legislated expertise.

All of design, including interior design and interior architecture, will ultimately follow these examples out into the global light of free enterprise.

Yours truly,

**Anders Nereim, Chairman**  
**Department of Architecture, Interior Architecture, and Designed Objects**  
**School of the Art Institute of Chicago**

**SENATE  
ENROLLED ACT**

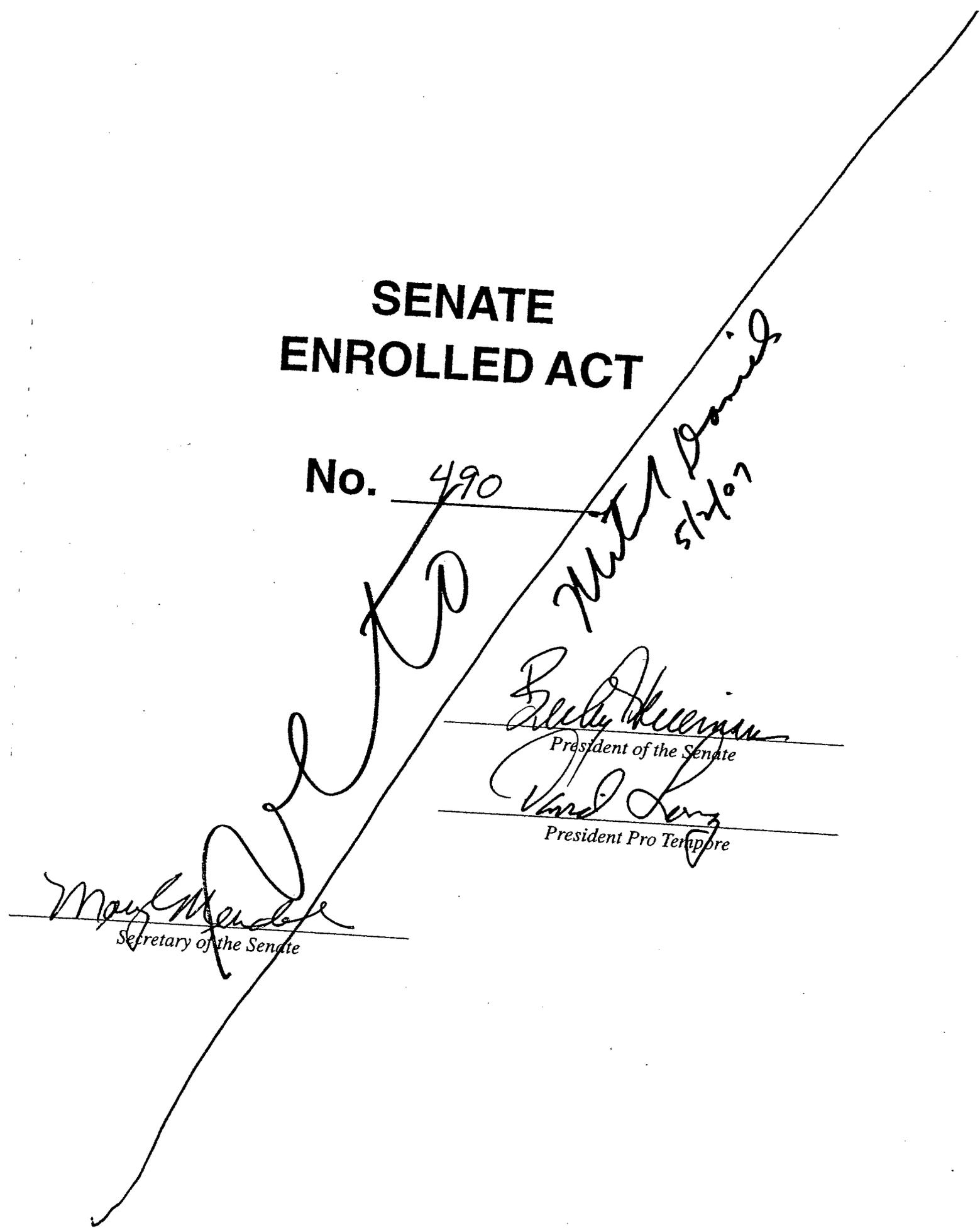
No. 490

*Walter D. ...  
5/2/07*

*Richard ...*  
\_\_\_\_\_  
President of the Senate

*Vance ...*  
\_\_\_\_\_  
President Pro Tempore

*Mary ...*  
\_\_\_\_\_  
Secretary of the Senate





STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Mitchell E. Daniels, Jr.  
Governor

May 3, 2007

Dear Madam President and Members of the Senate:

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act. No. 490, enacted during the regular session of the 115<sup>th</sup> General Assembly and related to the registration of interior designers.

Government has a legitimate role to play in the regulation of certain business occupations and professions. To protect public health and safety, for example, it makes sense for the state to require individuals seeking to practice certain occupations to be certified or licensed, in order to ensure that they meet minimum qualifications or skill levels.

However, government must be careful to exercise such powers in a restrained and limited way, in order to avoid limiting competition in occupations where no significant public health or safety concerns are involved. Licensing, certification, and registration standards necessarily restrict entry to and participation in the occupation or profession being regulated, so the burden of proof must fall on those who seek to create or extend such barriers to entry.

In the case of Senate Enrolled Act 490, I find that this burden of proof has not been met. I can find no compelling public interest that is served by the establishment of new registration requirements for interior designers as contained in SEA 490, nor in the bill's effective "criminalization" of violations of such registration requirements. Indeed, it seems to me that the principal effect of SEA 490 will be to restrain competition and limit new entrants into the occupation by requiring that they meet new educational and experience qualifications previously not necessary to practice their trade.

Coincidentally, renowned national columnist George Will recently devoted an entire column to a similar effort to regulate the interior design profession in Nevada and Utah, which he rightly characterized as "rent seeking," or using government authority to obtain private advantage. He concluded his column as follows:

But government licenses professions to protect the public and ensure quality. It licenses engineers and doctors because if their testable skills are deficient bridges collapse and patients die. The skills of interior designers are neither similarly measurable nor comparably disastrous when deficient.

May 3, 2007

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SEA 490 is an example of government intrusion into the private marketplace, unnecessarily expanding the power and reach of a professional regulatory board (of which we have far too many already), and protecting the "ins" at the expense of would-be competitors. The marketplace already serves as an effective check on poor performance; designers doing inadequate work are more likely to be penalized by negative customer reaction than by a government agency trying to enforce arbitrary and subjective qualification standards.

Interior designers are hardly the only profession seeking protection from state government. Indiana already regulates some 74 professions, many of them dubiously under the criteria articulated above. I am writing at such length to make plain to the General Assembly my concerns about this trend and my deep skepticism about the merits and value of many of these efforts. Indeed, I would welcome legislative re-examination of existing licensing schemes far more than proposals for more such regulation such as Senate Enrolled Act 490.

Sincerely,

*M. E. Daniels, Jr.*

**BILL RITTER**  
Colorado's Governor



OFFICE OF GOV. BILL RITTER, JR.  
FOR IMMEDIATE RELEASE:  
FRIDAY, JUNE 1, 2007

Contact:  
Evan Dreyer, 720.350.8370

**GOV. RITTER'S VETO MESSAGE ON SENATE BILL 84**

June 1, 2007

The Honorable Colorado State Senate  
66 General Assembly  
First Regular Session  
State Capitol  
Denver, CO 80203

Ladies and Gentlemen,

I am filing with the Secretary of State Senate Bill 07-84, "Concerning the Creation of a Database for Interior Designers and Making an Appropriation Therefore." I vetoed this bill as of \_\_\_\_\_ a.m. and this letter sets forth my reasons for doing so.

Senate Bill 84 would require the State Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors to create a database of interior designers who have obtained a private certification and who voluntarily register.

The statutory purpose of professional licensure is to ensure a minimum level of competency and practice standards for a profession in order to protect the public. Proponents of this legislation contend the purpose of this bill is to simplify the process for interior designers to obtain a building permit. However, local building departments already have the ability to issue building permits to qualified persons and businesses. More importantly, this regulation does not have a public safety element.

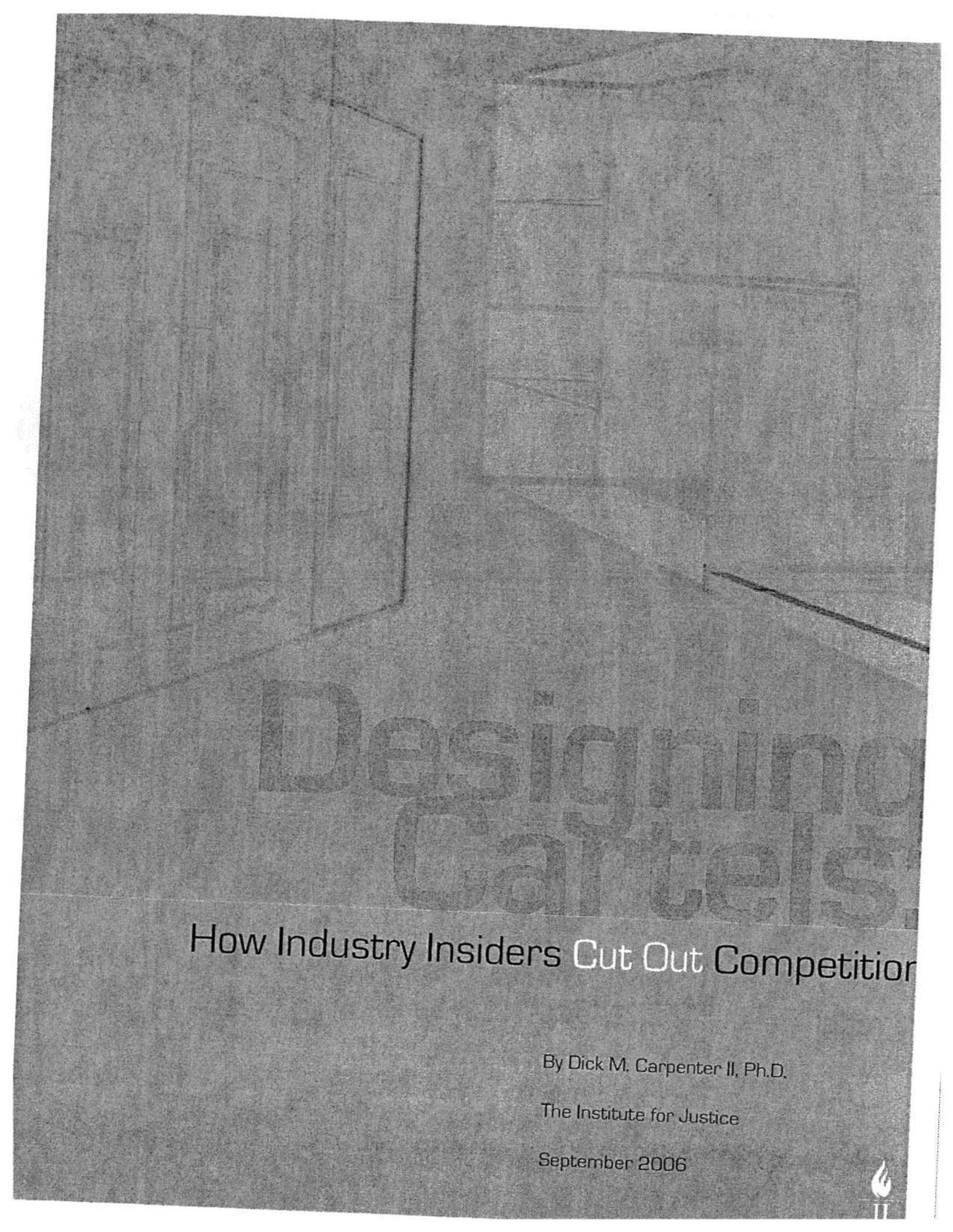
Interior designers are not trained to create or modify plans that involve the structural soundness of a commercial, industrial, or multi-family building. The construction or modification of those building types requires the expertise of a licensed architect or engineer. Currently, building departments will review plans for other types of projects when submitted by non-licensed individuals. This bill does nothing to change those existing practices.

A designer's education, experience, and private certification demonstrate a high level of expertise in his or her field. However, I believe that it is inappropriate to use powers of the state to provide the type of additional recognition provided for in Senate Bill 84.

Accordingly, I have vetoed this bill.

Sincerely,

Bill Ritter Jr.



# Designing Cartels

How Industry Insiders Cut Out Competition

By Dick M. Carpenter II, Ph.D.

The Institute for Justice

September 2006



# Designing Cartels:

How Industry Insiders Cut Out Competition

By Dick M. Carpenter II, Ph.D.

The Institute for Justice

September 2006

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# Executive Summary

Designing Cartels

This report examines titling laws, little-known regulations that require people practicing certain professions to gain government permission to use a specific title, such as “interior designer,” to describe their work. Although titling laws receive little attention from the political, policy or research communities, they often represent the first step toward a better-known regulation—occupational licensing, which limits who may practice a trade. In theory, occupational regulations—including titling and licensing laws—are designed to protect the safety and economic interests of consumers. But critics charge they are often nothing but anti-competitive barriers that only benefit those already practicing.

Twenty-two states have some kind of titling law for interior designers, and four states and the District of Columbia also require aspiring designers to acquire government licenses to practice. For decades, powerful factions within the interior design industry have lobbied for legislatures to impose increasingly stringent regulations, arguing that interior design requires a minimum amount of education, experience and examination, codified by the government, to ensure public health, safety and welfare.

The results of this case study, however, indicate that there is no threat to public health, safety or welfare requiring government regulation of the interior design industry.

- Between 1988 and 2005, five state agencies examined the need for titling and/or licensing laws for interior designers. All five found no benefit to the public and concluded consumers already possessed the means to make informed decisions about interior designers.
- When pressed by state agencies, not even interior design associations lobbying for regulation produced evidence of a threat to the public from unregulated designers.
- Interior design companies receive very few consumer complaints—an average of less than one-third of one complaint per company over the past three years, according to nationwide Better Business Bureau data.
- There are no statistically significant differences in the average number of complaints against companies in highly-regulated states, less-regulated states and states with no regulation.
- Only 52 lawsuits involving interior designers have been filed since 1907. Most dealt with breach of contract issues, while very few addressed safety or code violations.

Results also indicate the demand for regulation comes *exclusively* from certain industry leaders.

- Leading design associations and political action committees have successfully pressed a legislative agenda of increased regulation.
- State licensing officials often testify against interior design regulations, citing the lack of threat to public health, safety and welfare, the likely increased cost to

consumers, and the unnecessary erection of barriers to entry into the profession.

Finally, titling laws represent a first step toward full occupational licensure.

- Of the four states with licensure, three began with titling laws that evolved into licensing.
- Interior design associations are actively working to transform title acts into licensure in at least three other states.
- In just the past two years, interior design coalitions lobbied for titling or licensure in 10 states currently without any regulation.

Legislators should critically examine the need for new titling and licensure laws and consider repealing existing regulations of questionable value. Instead, self-certification through professional associations or non-profit boards, as in California, can help designers and other professionals distinguish themselves without needless government oversight that serves only to keep out aspiring entrepreneurs.

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# Introduction

As a young girl, Sherry Franzoy dreamed of working as an interior designer. But when she married, began raising children and started managing the business side of a family farm in New Mexico, her designer dreams appeared destined to remain just that, dreams—until life circumstances intervened. When she and her husband divorced, Sherry needed to find a way to support herself, and quickly.

She worked as a produce broker for a year to make ends meet, but that childhood dream remained in the back of her mind. As she contemplated the idea, it seemed unattainable. She lacked the time to attend design school. Besides, the closest school was more than 200 miles away.

So when she came across a business franchise opportunity called Interiors by Decorating Den, Sherry jumped at it. The franchise specializes in “we come to you” and complimentary interior design consultations. As a full-service design store, it sells everything from floor to ceiling, and, important to Sherry, purchasing the franchise came with intensive, condensed schooling on everything from managing a business to the intricacies of interior design.

Sherry now manages a thriving business with a stable of subcontractors and clients from all over the country. Many of her clients are east or west coast transplants who lack the know-how to design in the Southwestern style that characterizes New Mexico. She provides design services ranging from window treatments to kitchen and bath remodels in homes valued from the mid-\$200,000s to more than \$1,000,000.

By any measure, Sherry Franzoy embodies the American Dream. The State of New Mexico, however, stands squarely in the path of that dream. Under New Mexico law, everyone calling themselves “interior designers” must complete a minimum of two years of post-high school education, have a combination of six years of education and experience in interior design and pass an exam. Short of that, it is illegal to refer to oneself as an interior designer—either in advertising, business documents or conversation. Interior decorator yes, interior designer no.

Such regulations are called titling laws. These little-known laws regulate who may and may not use a specific title in a particular profession. In theory, they are designed to protect the safety and economic interests of consumers. But critics charge they are nothing but anti-competitive barriers designed to benefit those already practicing.

Unfortunately, the implications of titling laws remain largely unknown. To date, these regulations have received little to no attention among the policy or economics research communities. Thus, this research report examines titling laws, using the interior design industry as the focus, to stimulate further research in this area and to illustrate what titling laws are and how they function. Although the issues addressed in this report are somewhat academic, the effects of titling laws for individuals like Sherry are anything but.

The implications of titling laws remain largely unknown. To date, these regulations have received little to no attention among the policy or economics research communities.

# Previous Research On Occupational Licensure

As demonstrated in this report, titling laws often represent the first step in a better-known and more invasive process—occupational licensing, which limits who may practice a trade. Indeed, Morris Kleiner,<sup>1</sup> a national expert in occupational regulations and professor at the University of Minnesota's Humphrey Institute of Public Affairs, documents how licensing practices originated thousands of years ago in ancient Babylonian and Greek cultures, and the study of licensing spans centuries, from Adam Smith's *Wealth of Nations* to contemporary examinations utilizing sophisticated econometrics.<sup>2</sup>

Proponents of occupational licensing typically cite two primary benefits: improving the quality of services rendered and protecting the public health, safety and welfare. Licensing purportedly promotes those ends by requiring individuals practicing the regulated occupation

Unnecessary licensing can erect needless barriers in entry-level occupations or to budding entrepreneurs.

to invest in education, training and often apprenticeship, and frequently to complete an occupation-related examination. The process is supposed to ensure that practitioners meet a minimum threshold of skill and knowledge necessary for quality and safety, although research appears decidedly inconclusive, at best, about the relationship between licensure and quality.<sup>3</sup>

But the effects of occupational licensing do not end there. In fact, a widely held view among economists is that licensing restricts the number of new entrants into an occupation, resulting in an increase in the price of labor and services rendered.<sup>4</sup> Research also indicates workers often enjoy higher wages as a result of licensing due to the "scarcity" or artificially limited number of available workers.<sup>5</sup>

Industry insiders recognize this effect and pursue licensing as a way to benefit those already in the occupation.<sup>6</sup> Through the "cartelization" or monopolization of their occupations, practitioners can realize greater economic benefits, while "signaling" to consumers and policymakers the assurance of quality and safety associated with licensure.<sup>7</sup> Yet such social benefits may be small, if present at all.

In addition, unnecessary licensing can erect needless barriers in entry-level occupations or to budding entrepreneurs. The most direct effect of occupational licensing is to shut out new entrants into the workforce from suitable occupations, such as taxi drivers and manicurists.<sup>8</sup> Moreover, a social benefit is lost as such jobs otherwise would enable individuals to transition out of welfare. Excluding such barriers to entry, these are ideal pursuits for low-income, entry-level entrepreneurs who typically lack financial capital or high levels of education required for other professions. In short, the regulation of some industries conceivably benefits only one group—industry insiders.

Of course, industry leaders cannot simply institute occupational licensing by decree. They must win the support of legislators and other policy leaders to pass the required laws and regulations. Licensing some professions, such as dentists, engenders little question about the utility of government oversight, particularly in the interest of protecting public health and safety. Yet others, such as casket sellers and florists, lack any clear need for government regulation. As this report demonstrates, interior designers could be added to that list, although some leaders in that industry work to convince legislators otherwise.

# Defining Interior Design

According to the U.S. Department of Commerce, an interior designer “[p]lans, designs and furnishes interior environments of residential, commercial, and industrial buildings.”<sup>9</sup> Estimates put the numbers of individuals practicing design in the United States at anywhere from 20,000 to 75,000<sup>10</sup> working primarily in residential, commercial or mixed environments.<sup>11</sup>

The wide disparity in the numbers largely reflects an issue at the center of this case study: What defines an interior designer? In the loosest sense, all those who practice a profession in which they “plan, design and furnish interior environments” work as interior designers. But that definition could define, in part, the work of architects. This fact has not been lost on either the interior design or architecture industries and has resulted in what some have called a “never-ending border war.”<sup>12</sup>

Developing an identity distinct from architects is not, however, the only “border war” interior designers face. The other, more germane to this report, is from interior decorators. While many (perhaps most) people see the terms as essentially synonymous, interior design associations have expended much effort over the past several decades in making distinctions between designer and decorator. In discussing this effort, interior design professor Lucinda Havenhand writes:

Interior designers do understand that they have a problematic and often misunderstood identity, although they have worked diligently over the past fifty years to identify [sic] and legitimize their field. In the 1930s and '40s, these activities were centered on differentiating interior design from interior decoration through the creation of educational programs and criteria for competency and knowledge. Later, professional organizations such as the American Society of Interior Designers (ASID), the Foundation for Interior Design Education and Research (FIDER) and the National Council for Interior Design Qualification (NCIDQ) were formed to oversee the development and maintenance of these criteria both in education and practice. These groups crafted legal definitions of interior design and constructed a unified body of knowledge that included its own history and theory. A professional internship program (IDEP) was put in place in 1993, and an ongoing effort to create licensing and titling acts that identify qualified interior designers to the public continues.<sup>13</sup>

One of the groups mentioned by Havenhand, ASID, characterizes interior design as more than decorating but not quite architecture:

Interior design is a unique profession with a unique body of knowledge. It involves more than just the visual or ambient enhancement of an interior space. While providing for the health and safety of the public, an interior designer seeks to optimize and harmonize the uses to which the built environment will be put.<sup>14</sup>

Elsewhere, ASID seeks to draw a line between designer and decorator: "The professional interior designer is qualified by education, experience and examination to enhance the function, safety and quality of interior spaces."<sup>15</sup> As will be discussed below, "education, experience and examination" play a critical role in the industry's effort to achieve occupational licensure.

Despite the effort of factions within the interior design industry to draw a hard distinction between designers and decorators, not everyone agrees. For example, the U.S. Department of Commerce definition of interior designer is the exact same definition the Department used for interior decorator. Moreover, the "health, safety and welfare" argument sometimes used in distinguishing designers from decorators in the pursuit of government regulation has proved unconvincing to policy leaders in numerous states, as discussed below.

Nevertheless, 22 states and the District of Columbia currently regulate the interior design industry through either titling or occupational licensing laws (or both), some of which go back more than 20 years. But titling laws have received no attention in occupational licensing or public policy literature to date. This does not mean titling laws have received no attention at all. In fact, organizations like ASID have given much attention to titling laws, as have journalists and state legislative agencies. Yet titling laws remain unexamined in a systematic treatment.

Therefore, this study investigates the passage and/or evolution of titling laws and occupational licensing of interior designers in the 22 states that have such regulations, plus the District of Columbia, as well as four additional states that considered but rejected the regulation of interior design through so-called "sunrise" laws. Consistent with the purpose of case study research, this examination of one industry illustrates a larger phenomenon—the genesis and evolution of occupational licensing through the vehicle of titling laws.

The advantage of studying this particular industry is the early stage of its regulation. Unlike long-regulated industries, less than half of the states regulate interior designers in any way, and those with such laws have enacted them relatively recently. Therefore, this research will illustrate the process of industry-driven regulation often hidden behind the screen of "public protection" and "quality assurance."

This research will illustrate the process of industry-driven regulation often hidden behind the screen of "public protection" and "quality assurance."

# Research Methods

This research begins with two primary questions:

1. What are titling laws and what role do they play in occupational licensing?
2. Do data indicate a need for regulation of the interior design industry through titling and other types of laws?

The first question is examined through an analysis of the legislative history of interior design laws (see the Appendix for further details on research methods). This required the collection and systematic analysis of the following:

1. Proposed and enacted interior design legislation at the state level.
2. Legislative records, including committee meeting minutes, transcripts and recordings; records of floor debates; and legislative reports and analyses.
3. Media reports on said legislation.
4. Industry records, such as documents produced by ASID, various state design coalitions and similar industry groups. These documents included newsletters, board-meeting minutes, proposed legislation and reports.

The second question was examined using two types of data: complaint reports from the Better Business Bureau (BBB) and lawsuits involving interior designers. BBB complaint data were collected from databases in all 50 states at the company level, which resulted in a sample size of 5,006 companies. The number of complaints reported per company represents the past three years.

In the analysis to follow, these data were aggregated by type of regulation: the different types of titling laws across the states and full occupational licensure. We then examined differences in the average number of complaints by type of regulation using Analysis of Variance (ANOVA). The advantage of such analysis is that it answers the second research question in multiple ways using the same data. First, it indicates the average number of complaints against interior designers over a three-year period. Second, it allows for a comparison in the average number of complaints under different regulatory schemes, thus illustrating a need, or lack thereof, for titling laws or occupational licensure. Stated as a hypothesis, fewer complaints should be reported under conditions of stricter regulation.

Lawsuit data represent a particularly under-utilized but nonetheless revealing measure of industry quality and safety. Unlike BBB data, which do not consistently report the type of complaint or the issues at hand, lawsuits represent a measure of the relative frequency of and the reasons for complaints. Because the sample of cases was so small (only 52 between 1907 and 2006), only descriptive statistics were used in the analysis.

# The Nationwide Landscape Of Interior Design Regulation

Although interior design (or decorating) has been a recognized U.S. industry since the early decades of the 20<sup>th</sup> century, the first regulation of it did not occur until 1982, when Alabama enacted titling legislation.<sup>16</sup> Since that time, nearly half of the states have enacted regulations of some kind. As Table 1 indicates, four states and the District of Columbia require designers to earn licenses to practice at least some aspects of interior design. An additional 18 states, through titling laws, regulate in some way how people in the industry may refer to themselves (i.e., "interior designer," "certified interior designer" or "registered interior designer").

Table 1: Interior Design Laws

STATE	TYPE OF LAW	MIN. POST-HIGH SCHOOL EDUCATION	TOTAL EDUCATION PLUS EXPERIENCE	YEAR PASSED
AL	Title/License <sup>1,2</sup>	60 quarter hours or 48 semester credit hours; 4 years for "registered"	6 years	Title Law: 1982 License: 2001
AR	Title <sup>2</sup>	4 years	6 years	1993, amended 1997
CT	Title <sup>1</sup>	Follows NCIDQ	Follows NCIDQ	1983, amended 1987
DC	Title/License <sup>1</sup>	2 years	6 years	1986
FL	Title/License <sup>1</sup>	2 years	6 years	Title Law: 1988, amended 1989 License: 1994
GA	Title <sup>2</sup>	4 years or first professional degree	(no experience specified)	1992, amended 1994
IL	Title <sup>1,3</sup>	2 years	6 years	1990, amended 1994
IA	Title <sup>2</sup>	2 years	6 years	2005
KY	Title <sup>3</sup>	Follows NCIDQ	Follows NCIDQ	2002
LA	Title/License <sup>2</sup>	2 years	6 years	Title Law: 1984, amended 1990, 1995, 1997 License: 1999
ME	Title <sup>2</sup>	4 years	6 years	1993
MD	Title <sup>2</sup>	4 years	6 years	1991, amended 1997, 2002
MN	Title <sup>1</sup>	Board determines	6 years	1992, amended 1995
MO	Title <sup>2</sup>	2 years	6 years	1998, amended 2004
NV	Title/License <sup>2</sup>	4 years	6 years	1995
NJ	Title <sup>3</sup>	2 years	6 years	2002
NM	Title <sup>1</sup>	2 years	6 years	1989
NY	Title <sup>3</sup>	2 years	7 years	1990
OK	Title <sup>1</sup>	2 years	6 years	2006
TN	Title <sup>2</sup>	2 years	6 years	1991, amended 1995, 1997
TX	Title <sup>1</sup>	2 years	6 years	1991
VA	Title <sup>3</sup>	4 years	6 years	1990, amended 1994
WI	Title <sup>4</sup>	2 years	6 years	1996

1. "interior designer" 2. "registered interior designer" 3. "certified interior designer" 4. "Wisconsin Registered Interior Designer"

Simply stated, a titling law regulates the use of a title, such as “interior designer,” in a profession. Titling laws do not require individuals to become licensed in order to practice a given profession, nor do they restrict anyone from providing services of any kind. However, people cannot advertise or in any other way represent themselves using a specific title, such as “interior designer,” unless they meet minimum statutory qualifications concerning education, experience and examination.<sup>17</sup>

As Table 1 also indicates, titling laws come in different variations. The first is the regulation of the title “interior designer.” The strictest of the titling laws, this removes a broad descriptive phrase, or title, from the public domain and reserves it only for those who have satisfied certain requirements. Less restrictive laws reserve the titles “certified interior designer” or “registered interior designer” for those who have met specified requirements. Under the less restrictive laws, individuals may call themselves interior designers and describe their work as such, but may not refer to themselves as certified or registered.

Titling differs from full occupational licensing, which “prohibit[s] the performance of professional services by anyone not licensed by the state agency charged with the duty of regulating that profession.”<sup>18</sup> Those laws are often referred to as “practice acts.”

Typically, the regulation of occupations is conceived and studied in the latter sense—i.e., occupational licensing laws that dictate who may work in a given vocation. However, as the interior design industry illustrates, titling laws are both a form of occupational regulation and the first step in the policy evolution toward full occupational licensure. And, as the interior design profession also demonstrates, the force behind the creation of titling laws and their subsequent transformation into full occupational licensure is overwhelmingly factions within the industry itself.

Titling laws are both a form of occupational regulation and the first step in the policy evolution toward full occupational licensure.

# Pushing for Regulation from the Inside

As a newspaper reporter writing about interior design regulation observed, "Most of the time, private businesses are begging to get government off their backs."<sup>19</sup> Yet interior designers, over an extended period of time, have sought recognition as a profession and have persistently pressed for licensing or certification granting them such status.<sup>20</sup> Some of the earliest organized attempts at regulation began in the late 1970s and early 1980s. In New York in 1979, interior design lobbyists tried unsuccessfully to persuade lawmakers to pass a practice act,<sup>21</sup> and it was after a decade of vigorous lobbying that they finally obtained a titling law in 1990.<sup>22</sup> At the same time, Connecticut designers worked for several years before finally achieving success with a titling law in the early 1980s.<sup>23</sup>

By the mid-1980s, ASID began a national campaign to regulate the interior design industry, dedicating nearly \$300,000 to that effort in 1986.<sup>24</sup> More often than not, success required persistence. For example, passing the Texas titling act required a seven-year campaign.<sup>25</sup> Missouri's failed HB 1501 in 1994 would have licensed interior designers, but it was not until 1998 that a titling law finally passed. New Jersey's AB 1301 passed the Legislature in 1994 but was vetoed by the governor. After several attempts in between, New Jersey passed a titling act in 2002. And though Oklahoma designers tried unsuccessfully in 1992 to establish licensure with SB 925, they did not see fruit from their efforts until 2006 with a titling act.

Given the scope of a national campaign and the number of years it often requires to realize titling or practice laws, representatives from different sectors of the design community work together to press for new or expanded legislation. One sector includes representatives from interior design organizations, such as ASID and the Institute of Business Designers (IBD). For example, Washington, D.C.'s 1986 title and practice law came about after heavy lobbying by IBD and ASID.<sup>26</sup> Conveniently, an ASID representative sat on the City's licensing board and pushed for the regulation.<sup>27</sup>

Another sector includes state chapters and coalitions comprising ASID, IBD and others. Examples include the Tennessee Interior Design Coalition (TIDC), the Colorado Interior Design Coalition (CIDC) and the Georgia Alliance of Interior Design Professionals (GAIDP). Such coalitions combine the efforts and resources of the aforementioned design organizations primarily to influence state legislation (i.e., see <http://www.tidc.org/asp/legislative.asp> for a definition of TIDC's mission). For example, one reporter described the GAIDP as "instrumental in getting the licensing legislation passed in Georgia."<sup>28</sup>

A third sector includes interior design professors and students from post-secondary institutions. For instance, the sponsor of Iowa's 2005 titling legislation readily credited professors and students from Iowa State University's College of Design with the bill's success.<sup>29</sup> And Connecticut's 1983 titling law enjoyed support from three interior design professors who, in concert with representatives from interior design associations, pushed for the bill's passage.<sup>30</sup>

The efforts of these groups and organizations include creating sample legislation (e.g., <http://www.asidmn.org/documents/statute011805.pdf>), working with licensing boards to amend existing legislation, and lobbying and testifying in committee hearings.<sup>31</sup> Indeed, a closer look at the latter often reveals just how instrumental interior design representatives are in the process. For example, in a February 26, 2002, committee hearing for Kentucky's titling law, bill proponents included representatives from ASID and the Kentucky Interior Designers Legislative Organization, as well as two dozen interior designers seated in the chambers.<sup>32</sup> After testimony, committee members began questioning the bill sponsor, Representative Ron Crimm, about specifics of the legislation. Obviously lacking any knowledge of the issues surrounding the bill, or seemingly the bill itself, Crimm called himself a "conduit" for the interior design representatives and referred all questions to them.

# The "Need" for Regulation

In pushing for titling laws, proponents and industry representatives often face legislators who question the need for new or expanded occupational regulation. For example, in a hearing to establish Connecticut's titling law, Representative O'Neill asked an interior design representative, "All right, just a question, has there been a demonstrated need in this state for the type of legislation you are proposing?"<sup>33</sup>

Historically, legislators find public health, safety and welfare the most compelling need. Indeed, legislators often ask about this specifically. Four years after the institution of their titling law, interior designers were back at the Connecticut Legislature seeking new amendments. In the Joint Standing Committee hearing Representative Fox asked for demonstrated cases of harm to the public at the hands of interior designers.<sup>34</sup> As discussed below, some states statutorily require a demonstration of these needs before allowing new regulation.

When pressed for data supporting their claims, proponents of increased regulation often fail to produce much, if any, evidence.

Not coincidentally, the interior designer lobby uses the health, safety and welfare language to buttress its push for titling laws. An ASID publication on the need for regulation begins, "Every decision an interior designer makes in one way or another affects the health, safety and welfare of the public."<sup>35</sup> Numerous letters of support, testimony on behalf of bills and letters to the editor in newspapers

supporting legislation refer to health, safety and welfare. For example, a letter to the editor supporting the Iowa Interior Design Title Act concluded, "Simply stated, the interior designer protected by the interior design act is responsible for the safety of the consumer."<sup>36</sup>

Bill sponsors have mentioned these same reasons in support of their legislation,<sup>37</sup> and health, safety and welfare has been cited in legislative intent. For example, Florida's SB 127, which created its 1988 titling law, stated:

The Legislature finds the practice of interior design by unskilled and incompetent practitioners presents a significant danger to the public health, safety and welfare; that it is necessary to prohibit the use of the title "interior designer" by persons not licensed in order to ensure the competence of those who hold themselves out as interior designers.<sup>38</sup>

Yet the health, safety and welfare rationale for titling laws has not always proved convincing, either to state leaders or to those in the industry itself. Moreover, when pressed for data supporting their claims, proponents of increased regulation consistently fail to produce much, if any, evidence.

# State "Sunrise" Reports

To date, the most systematic examinations of the need for interior design regulations have been in the form of "sunrise" reports produced by a handful of state agencies in states with sunrise laws. Using Washington's as an example, sunrise laws state:

[N]o regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All proposals introduced in the legislature to regulate a business profession for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when: a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument; b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and c) The public cannot be effectively protected by other means in a more cost-beneficial manner.<sup>39</sup>

Such laws require that proposed occupational regulations undergo scrutiny by a State agency to determine if the profession meets these criteria. The results are published in sunrise reports and presented to the state legislature. In the case of interior design, four states (Colorado, Georgia, South Carolina and Washington) have produced such reports, and Virginia implemented a similar examination at the specific direction of the state Legislature via House Joint Resolution 245.<sup>40</sup>

In the course of these studies, the agencies routinely examine data from multiple sources, looking for evidence of any harm befalling the public related to the industry in question. Often this includes industry association data, BBB reports, complaints to their respective state law enforcement or consumer affairs divisions, and data from reciprocal agencies in other states with interior design regulations. For example, for its sunrise report, the Colorado Department of Regulatory Agencies contacted the Colorado Interior Design Coalition (CIDC), ASID, the Denver/Boulder BBB, the Office of the Attorney General's Consumer Protection Section, the Board of Architecture, the Governor's Advocacy Office and the Denver District Attorney's Office.<sup>41</sup> The studies also typically include hearings with various industry associations and sometimes the public at large.

Without exception, every sunrise report on interior design found, to use South Carolina as an example, "No sufficient and reliable evidence...to suggest that harm is occurring...as a result of the unregulated practice of interior designers."<sup>42</sup> Neither the data from the respective states nor data from reciprocal state agencies indicated a threat to the public. Interestingly, when given the chance to produce such evidence for the reports, the interior design associations lobbying for regulation either produced none,<sup>43</sup> or they provided complaints that designers were practicing without a license.<sup>44</sup> In other words, the only basis for the complaint was the lack of a license, not substantive problems associated with health, safety or welfare.

The reports further found that means were already in place to ensure the quality of interior designers' work (such as market forces, building inspections and building material codes) and failed to identify any economic benefit to the public from such regulations. Thus, every report recommended against titling laws in their respective states.

Every sunrise report on interior design found "No sufficient and reliable evidence...to suggest that harm is occurring...as a result of the unregulated practice of interior designers."

# Better Business Bureau And Lawsuit Data

Still, one might argue that these reports provide an incomplete picture of the need for titling laws. First, three of the five reports hail from the late 1980s and early 1990s. The interior design industry commonly points to significant changes in the industry during the past two decades related to building and safety codes.<sup>45</sup> Thus, the majority of these reports may fail to capture the results of those changes.

Second, the reports debatably use an incomplete database. That is, in examining complaints against designers, the reports use data from their states or other states with titling or practice laws. Absent are the majority of other states with no regulation whatsoever. Those states conceivably may have greater numbers of complaints given the lack of regulation.

However, an analysis of nationwide and current data from legal actions involving interior designers and the BBB contradicts such arguments. To begin, Table 2 includes the numbers and types of disputes involved in interior design lawsuits. As indicated, the number of lawsuits related to interior designers is quite small—52 since 1907 (or 45 since 1982, the year of the first title law). When disaggregated by type, contract issues clearly dominate the claims asserted. Typically, these cases involve allegations such as over-charging and failing to adhere to agreed-upon designs. Code violations, practicing without a proper license and safety are cited least frequently. This is particularly striking, since safety and building codes typify the arguments industry lobbyists make for increased regulation.

Table 2: Number of Interior Design Lawsuits by Type

	1907 TO PRESENT	SINCE 1982*
Breach of contract	24	21
Poor quality	12	12
Service	5	3
Fraud	4	4
Safety	3	2
Lack of license	3	2
Code violations	1	1

\*Year the first interior design regulation passed

BBB data also undermine the alleged “need” for increased regulation. Table 3 shows the average number of complaints reported to the BBB about interior design companies over a three-year period. Nationwide, the 5,006 interior design companies in this sample received, on average, 0.20 complaints per company in the past three years—about one-fifth of a complaint for each company in the sample. In other words, the average number of complaints nationwide to the BBB about interior designers, over a three-year period, is close to zero. The maximum number of complaints reported about any one company was 46, while many companies had no complaints at all, as represented in the last two columns of Table 3.

When disaggregating the averages by type of regulation, the data indicate the average number of complaints is slightly greater in states with practice laws, at 0.29 complaints per company, compared to states with self-certification titling laws (which is only in California), with 0.17 complaints per company, and states with no regulation, which saw only 0.19 complaints per company.

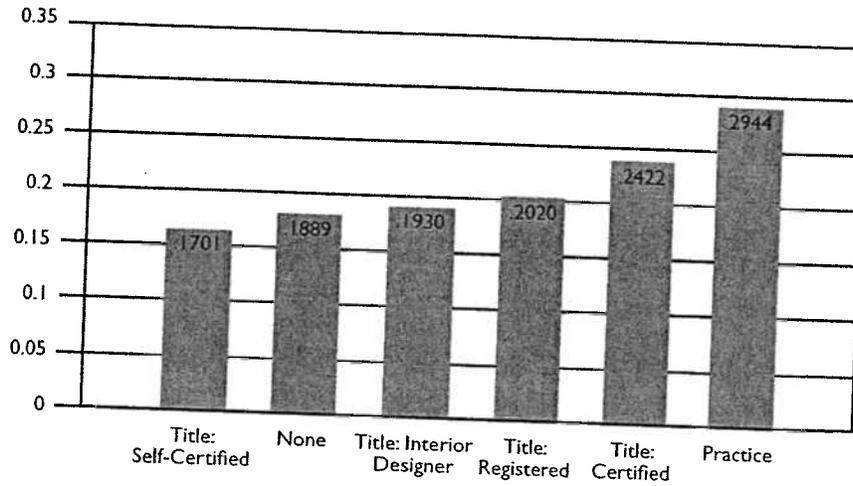
Table 3: Average Number of BBB Complaints per Company by Regulation Type (Past Three Years)

REGULATION TYPE	NUMBER OF COMPANIES	THREE-YEAR AVERAGE	STANDARD DEVIATION	MINIMUM	MAXIMUM
None	2149	.1889	1.28	.00	46.00
Title: Self-Certified	435	.1701	.59	.00	6.00
Title: Certified	611	.2422	1.02	.00	18.00
Title: Registered	599	.2020	1.54	.00	36.00
Title: Interior Designer	570	.1930	.87	.00	13.00
Practice	642	.2944	1.82	.00	25.00
Total	5006	.2093	1.28	.00	46.00

Such results challenge the logic behind occupational regulation. Stricter control over who practices a profession theoretically should result in higher-quality practitioners, which should then result in fewer complaints. But these results show just the opposite. As Figure 1 illustrates, more complaints were present in conditions of greater regulation (practice laws), and fewer complaints were present with less regulation, such as California’s voluntary, non-governmental certification, or no regulation.

Of course, the average number of complaints under any regulatory regime is quite small and the differences between them even smaller. Thus, the key point here may not be the number of complaints per type of regulation. Instead, the more important story is the little difference in the average number of complaints in regulated versus unregulated states. Indeed, ANOVA results indicate no significant difference based on type or amount of regulation,  $F(5, 5006)=.851, p=.541$ . Simply stated, there appears to be no discernible

Figure 1: Average Number of Complaints per Type of Regulation



relationship between stricter regulation and the quality of service offered by interior designers. The key question for policymakers, then, is not what kind of regulation to impose on interior designers, but whether to impose any at all.

Such results would not surprise some industry practitioners and state leaders who have opposed titling laws. For example, when interior designers proposed such a law in Wisconsin, the State's Department of Regulation and Licensing opposed it, arguing that proponents had not shown a substantial danger to the public from unregulated interior designers.<sup>46</sup> In fact, licensing department staffers testified in committee hearings that consumers were sufficiently able to judge for themselves whether designers were competent.

Likewise, Washington, D.C.'s interior design license faced "considerable opposition" from some City officials. Specifically, the director of the Department of Consumer and Regulatory Affairs told the City Council that licensing designers was unnecessary and redundant. Further, the head of the Occupational and Professional Licensure Administration opposed the measure as "unnecessary government intervention."<sup>47</sup>

Designers, too, have opposed titling laws in testimony before or letters to legislative committees. In 1995, Doreen Mack, an interior designer, opposed the bill that eventually created Nevada's license (SB 506). Mack wrote in a letter to the Senate Committee on Commerce and Labor:

This bill acts to serve a minority, leaving that group of people free rein to charge whatever they want, limiting the public's freedom of choice and eliminating the right to create. SB 506 sets up an elitist group who would have

a monopoly on all the interior design business in the state. Further, it purports to regulate and thereby 'protect' the public from a group of people who practice the art of home interior decoration and design. We are already governed by laws and regulations that keep us from acting as home construction contractors. We are not architects, home construction or 'interior area' demolition contractors.<sup>48</sup>

In her February 26, 2002, testimony before the Kentucky Senate Committee on Licensing and Occupations, interior designer Beverly Dalton made similar points:

The bill does nothing to achieve its purported purpose of safeguarding the public health, safety and welfare. Its sole purpose is to protect the interests of a select few within the interior design industry and in no way promotes nor advances any rational, justifiable or necessary public policy. Indeed, if the intent of this legislation is to protect the public health, safety and welfare, it would regulate the practice of interior design and not merely the title.<sup>49</sup>

In fact, some state licensing officials contend that titling laws are designed to lead to that very end. When Wisconsin interior designers advocated for that state's titling laws, some questioned why they were not seeking a practice act. Patricia Reuter, then head of the State Division of Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, suggested that those lobbying for regulation viewed the title law as a first step toward total licensing.<sup>50</sup> An examination of both the history of titling and practice acts and contemporary efforts by designers suggests Reuter was correct.

# From Titling to Licensure

As Table 1 indicates, three of the four states that currently restrict the practice of interior design began with titling laws. Of those, Louisiana gradually amended its way into a practice act from the titling law. The 1984 law restricted use of the term “licensed interior designer.” The 1990 amendment expressed the intent of the Legislature to protect public health and safety in interior design and also specified further regulations for the practice. The 1995 amendment required seals for interior design documents, and the 1997 amendment expanded the law’s restrictions to regulate use of the term “registered interior designer.”

When the 1999 amendment went forward, it faced little resistance, likely because most designers who would be affected were unaware of the pending legislation.<sup>51</sup> Indeed, minutes from the Senate Commerce and Consumer Protection Committee indicate only five people testified on the bill—two for, two against and one for informational

Table 4: Titling and Practice Legislation, 2005 and 2006

	ACT	TYPE	TITLE
2005	IA*	SB 405/HB 714	title
	IN	HB 1434	title
	MA	HB 2592/SB 189	practice/title
	MI	HB 4311, HB 4312, HB 4262	practice/title
	MN**	SB 263/HB 1277	practice/title
	NY**	SB 2514/AB 5630	title
	OH	SB 25	title
	OK	SB 623	title
	RI	SB 102	title
	TX**	SB 339/HB 1649	practice/title
WA	SB 5754/HB 1878	title	
2006	IN	HB 1063	title
	MA	SB 189	practice/title
	MI	HB 4311, HB 4312, HB 4263	practice/title
	MN**	SB 263/HB 1277	practice/title
	NE	LB 1245	title
	OH	SB 26	title
	OK*	SB 1991	title
	RI	SB 103	title
	SC	HB 4989	practice/title
	TN**	SB 3715/HB 3830	practice/title
WA	SB 5754/HB 1879	title	

\*Legislation enacted

\*\*Titling laws already in effect

purposes.<sup>52</sup> The two proponents included a representative from the State board of interior designers and a design instructor from a community college. The same two testified at the House Commerce Committee meeting, but no one testified against.<sup>53</sup>

Alabama's route from a titling law to licensure took a different course. Beginning in 1996, a series of House and Senate bills were introduced every year to license interior designers (1996: HB 99, SB 47A, SB 246; 1997: HB 209, SB 272; 1998: HB 524, SB 394, SB 445; 1999: SB 501; 2000: HB 417, SB 507). It was not until 2001 that the title law became a practice act, and only after a legislative battle that lasted 20 hours.<sup>54</sup> After years of fruitless efforts, interior designers hired one of Alabama's most powerful lobbying firms and found a champion in Sen. Jim Prueitt—chair of the agenda-setting Senate Rules Committee. During the last full week of the regular session, Prueitt refused to allow anything to pass through his committee unless the interior design bill was approved.<sup>55</sup>

Table 4 indicates states where designers attempted to impose titling and/or licensure requirements in the past two years. The table shows four states with titling laws that have seen recent attempts to move toward licensure but have failed thus far: New York, Minnesota, Texas and Tennessee. New York interior designers began thinking about a move toward licensure shortly after their titling law passed in 1990. According to a reporter writing about the new law, designers wanted "more than the right to add 'certified' to their names. They want[ed] their profession to require a license to practice, like a doctor or an architect."<sup>56</sup>

By the early 2000s, interior designers were vigorously drafting bills and lobbying in the halls of power in Albany, and their efforts paid off in a 2004 bill to restrict the titling law from "certified interior designer" to "interior designer." Although the bill passed through the Legislature, Governor Pataki vetoed it. The same bill made it to Pataki's desk again in 2005, which he also vetoed. His response both years stated:

Current law already provides that interior designers with demonstrable experience, skill and training can distinguish themselves by becoming licensed Certified Interior Designers. Only duly licensed individuals may hold themselves out as Certified Interior Designers. Interior Designers who do not wish to so distinguish themselves, however, may hold themselves out as interior designers free of state regulation.<sup>57</sup>

The early 2000s also saw an effort on the part of the Texas Association for Interior Design to push that state's titling law into a practice act. In 2003, HB 1692, which mandated licensure, was passed out of the House Licensing and Administrative Committee without any opposition.<sup>58</sup> However, the bill stalled in the Senate Business and Commerce Committee. In 2005, the effort to license interior designers appeared again in the form of HB 1649 and SB 339. HB 1649 was placed on the general legislative calendar on May 12, 2005. Because the Texas Legislature meets only every other year, no

more action has occurred on either bill.

The effort to transform Minnesota's titling law into full licensure began in 2003 with legislation drafted, endorsed and proposed by the Minnesota Interior Design Legislative Action Committee (MIDLAC).<sup>59</sup> MIDLAC represents the International Interior Design Association (IIDA), ASID and unaffiliated designers in Minnesota. In 2005, SB 263 and HB 1277 were introduced into the Minnesota Legislature and sent to committee. With a \$5,000 grant from the national ASID, \$8,000 from the Minnesota chapter of ASID, and an undisclosed sum from IIDA, MIDLAC lobbied legislators and instituted a letter writing campaign on behalf of the bills.<sup>60</sup> The legislation, however, languished into 2006, largely because the chairs of both committees did not see a need for licensing.<sup>61</sup>

Tennessee is the latest state (as of this writing) in which designers, through the Tennessee Interior Design Coalition (TIDC), are pushing for the conversion of a titling law into a practice act. Originally introduced February 23, 2006, the TIDC voluntarily pulled the bill at the request of the Tennessee Board of Architectural and Engineering Examiners (BAEE) in order to allow them time to familiarize themselves with the language of the bill and to ensure they could support the administrative requirements established by it.<sup>62</sup>

The BAEE formed a task force to work with TIDC, the goal of which was to have a bill they could recommend to the full BAEE and the 2007 Legislature. According to Tennessee ASID board meeting minutes,<sup>63</sup> TIDC met with the BAEE board, and no problems with the language of the practice act were identified. TIDC also produced an infomercial about the pending legislation to distribute throughout the state.

Finally, as Table 4 also indicates, the 2005 and 2006 legislative sessions saw attempts to pass titling laws and practice acts in states without any current interior design regulation. In only two cases did new laws pass—Iowa and Oklahoma, both titling laws. And in all states, legislative efforts are coordinated through interior design coalitions or associations.

# Discussion

This case study illustrates, using the interior design industry, how titling laws serve as a vehicle for occupational insiders to “professionalize” their trade by regulating who may and may not use a title, such as “interior designer,” in professional work. Once ensconced, such laws make for a natural point of evolution toward full occupational licensing, as evident in states with current interior design practice acts and other states with titling laws where attempts have been made to cartelize the design industry.

Yet, this evolutionary process is not as “natural” as industry leaders portray. For example, an ASID publication predicts, “States with title registration will attempt to move to practice legislation *as the value and impact of interior design is more clearly realized by the public and state legislatures*” (emphasis added).<sup>64</sup> According to such logic, the public and state legislatures will see such a need due to threats against public safety, health and welfare and for the protection of consumers who lack the ability to distinguish for themselves quality designers from unscrupulous charlatans.

But evidence contradicts such ideas. First, beginning with reports dating back to the 1980s, data from consumer organizations and state agencies belie any significant threat to public health, safety and welfare such that increased regulation of the interior design industry is required. Even assuming dramatic changes in the interior design industry over the past few decades, analysis of contemporary data analyzed from the BBB and lawsuits involving interior designers simply do not point to the need for State regulation, never mind the need for more strict legislation. Such findings undermine the veracity of designers’ claims and suggest their motives are far less altruistic.

Second, an analysis of legislative history and industry documents indicates titling laws and other forms of regulation in the design industry have come about *exclusively* through the efforts of leaders within the occupation itself, not through public demand and legislative awakenings. Through lobbying, hearing testimony, sample legislation, letter-writing campaigns, incrementalism, persistent legislative attempts and other classic forms of persuasion, design associations and political action committees have successfully pressed a legislative agenda of increased regulation using titling laws as an introductory vehicle. As the Colorado sunrise report noted, “There is a concentrated effort by members of the interior design profession across the nation to be regulated.”<sup>65</sup>

ASID leads this effort and dedicates considerable energy and resources to this cause. For example, ASID reviews, tracks and analyzes bills that affect the interior design profession, and they advise and educate chapters and coalitions on legislative strategies and specific legislation, including staff and volunteer visits to key states. In the past three years, ASID has completed more than 30 legislative training sessions.<sup>66</sup> ASID’s website enables interior designers to identify and contact their legislators using a template to create a personalized letter on their own letterhead. The website also includes numerous publications, talking points and resources designed to assist members in influencing legislation.

Absent any benefit to public health, safety and welfare, the next logical motivation for such regulation is the economic benefit it awards those who practice within a cartelized industry.

On the national level, ASID staff includes three registered federal lobbyists who represent the interior design profession before Congress and numerous federal agencies, including the Consumer Products Safety Commission, the Occupational Safety and Health Administration, the Small Business Administration, the U.S. Census Bureau and the General Services Administration.<sup>67</sup> Finally, ASID resource allocations now total more than \$5 million to state interior design legislative efforts.<sup>68</sup> Of course, such efforts are typical for an advocacy organization, but they further demonstrate who is behind titling laws and other regulation in this industry.

Absent any benefit to public health, safety and welfare, the next logical motivation for such regulation is the economic benefit it awards those who practice within a cartelized industry. Titling laws begin that process with the goal of increasing the credibility an exclusive title grants, and designers clearly recognize this. When New York passed its titling law in 1990, designers commented on its potential impact. "I think it's a very good thing," said Georgina Fairholme, a Manhattan designer. "This will divide the real workers from the 'social' workers."<sup>69</sup> Elizabeth Dresher, a designer in White Plains, likewise concluded, "The new law will give academically trained interior designers credibility."<sup>70</sup> Yet not all designers agree that titling ensures credibility or even quality. Diane Kovacs, a long-time New York designer, observed:

I don't think a test shows what a real designer is about. If you're good you get work. I go to my clients and show my portfolio and myself personally and they make their decision. I don't need a title at that point. Certification doesn't have any relevance to me.<sup>71</sup>

Sherry Franzoy from New Mexico agrees. "The only people who care about certification are ASID." After six years in business, she remembers only two people who asked about education and certification. Instead, customers hire her based on the consultation. They talk with her about ideas for the space, get to know her as an individual and look at her portfolio. By now, more than half of her work is repeat and referral. "Those who can't do the job are out of work quickly," she says. "Your reputation precedes you."

# Implications and Recommendations

Although laws that reserve the title of “interior designer” and the like appear to function as precursors to full occupational licensure, this is not to say some form of certification is without value. There may be some professional benefit from the ability to distinguish oneself with certification, but such distinction need not come in the form of government force—specifically, State-mandated occupational regulations that limit or exclude entrants.

Indeed, professional associations can easily serve as vehicles for voluntary self-certification. Using interior design as an example, Table 5 includes four different national and international design associations and their requirements for membership. As the table indicates, membership requirements typically include a combination of education, experience and examination similar to state titling laws. Thus, designers who wish to benefit from certification can do so without the creation of unnecessary government regulations.

Table 5: Professional Design Associations and Membership Requirements

ASSOCIATION	REQUIREMENTS
ASID	Professional Membership: One course of accredited education and equivalent work experience in interior design and NCIDQ examination.
IDSA: Industrial Designers Society of America	Professional Membership: Undergraduate degree in industrial design or related design discipline, and/or appropriate professional experience. Member's primary professional responsibility must be as a practitioner or educator in industrial design of products, instruments, equipment, packages, transportation, environments, information systems or related design services.
IIDA: International Interior Design Association	Professional Membership: Proof of certification date (or test results) by NCIDQ. Member must be actively engaged in profession of interior design or design education.
NCIDQ: National Council for Interior Design Qualification	Maintain minimum eligibility requirements to enter examination process and earn NCIDQ Certificate, including at least six years combined of college-level interior design education and interior design work experience.

California demonstrates another option for self-certification. In 1990, an amended SB 153 recognized a self-certification program for Californians. A year later, the California Council for Interior Design Certification (CCIDC) formed to act as a non-profit certifying board for interior design. Notably, neither this certification program nor the CCIDC board are in any way affiliated with the State. Designers who receive CCIDC certification do so voluntarily, and those who choose not to may still use interior design titles in the course of their work, although they may not represent themselves as certified by the CCIDC.

In conclusion, this case study indicates that policymakers considering titling laws would be best served to examine the need for such regulation prior to approval. The questions from sunrise processes can act as a useful guide:

- (a) Does the unregulated practice clearly harm or endanger the health, safety or welfare of the public, and is the potential for the harm easily recognizable and not

- remote or dependent upon tenuous argument?
- (b) Does the public need an assurance of initial and continuing professional ability and can it reasonably be expected to benefit from such assurances?
  - (c) Can the public be effectively protected by other means in a more cost-beneficial manner?

Moreover, policy leaders in states with titling laws for any profession, including interior design, should be wary of the evolutionary nature of such regulation, and consider repealing such laws that fail to show any impact on public health, safety or welfare. Incrementalism as a public policy tool has long been discussed in the research community.<sup>72</sup> This study demonstrates how titling laws provide a first step in the incremental process toward occupational licensure.

Finally, assuming the accuracy of economists who show how cartelization artificially inflates consumer prices, erects unnecessary barriers to entry into a profession, gives government-imposed advantages to those already practicing and fails to derive any social benefit, legislative skepticism concerning new regulations and repeal of current unnecessary statutes could prove significantly beneficial to consumers and practitioners alike, except for those who seek to create a monopoly. "If there's a good reason for the regulation, I'm all for it," says Sherry Franzoy. "But I haven't heard one yet. The snooty designers in those associations just don't want the competition."

# Appendix: Notes on Methodology

## *Records and Documents*

Proposed and enacted interior design legislation were collected through LexisNexis and state legislative websites. Legislative records were obtained through state legislative websites or offices, state archives or law libraries. Media reports on legislation were collected through LexisNexis or other media databases. Industry records were obtained via industry websites or through interior design association offices.

## *BBB and Lawsuit Data*

BBB complaint data represent an often-used measure of industry quality by State agencies seeking to determine the need for occupational regulation. The advantage of using BBB complaint data as opposed to a State regulatory or law enforcement agency is the ubiquity of the BBB. As a nationwide non-profit, it is a far more recognized source of consumer information and an “authority” with which to lodge complaints than State regulatory agencies or licensing boards often unfamiliar to consumers. The BBB also represents a measure of consistency when gathering data in multiple states.

Obviously, given the number of interior designers reported earlier (20,000 to 75,000), these BBB data are not comprehensive. Nor are they random. Each BBB chapter sends out company profiles to businesses in its community and enters the companies into the database when the profile is returned, regardless of their BBB membership status. Therefore, companies that fail to return the profile are not included in the database. Nevertheless, a sample of more than 5,000 companies is substantial. The companies in the BBB databases also represent both BBB members and non-members. The majority of these data are available online, but some were obtained directly from BBB chapters.

Advantages of lawsuit data were identified in the report, but, to be sure, they are not a perfect measure. Among other limitations, cases settle out of court, and people lack the funds to hire attorneys for bringing lawsuits. Yet despite the limitations, lawsuit data add a different perspective to the analysis of the need for regulation, one left unaddressed by other measures, such as BBB data.

Lawsuits involving interior designers were collected from the LexisNexis database. Using the search terms “interior designer,” “interior decorator” and various derivations, lawsuits in federal and state databases were compiled. Cases were then included in the sample if a complaint clearly involved a designer. For example, in some cases, a designer may have been included as one in a list of defendants on a large project. In such cases, the specific complaint against the designer was unclear. Thus, such cases were not included in the sample.

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## Acknowledgments

The author wishes to acknowledge the valuable contributions of IJ law clerks and interns Hallee Morgan, Tom Meyerson, Jessica Wilson, Matt Tievsky, Alex Potapov, Jared Morris and Mike Hawrylchak. Appreciation also goes to John Ross, IJ's research assistant, for his work on this report.

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## IFDA Position Paper

The National Board of Directors of the International Furnishings and Design Association (IFDA) is concerned about efforts to enact state by state legislation regarding entry methods into the Interior Design field. IFDA is not an interior design association and would normally not take a position on legislation covering Interior Designers. However, IFDA incorporates into its regular membership practitioners from all facets of the furnishings and design industry including product designers, manufacturers, related service businesses, vendors, publishers and many other furnishings and design industry representatives including Interior Designers. IFDA believes that any legislation enacted pertaining to methods of entry into the Interior Design field has a far-reaching impact on all facets of the furnishings business. Currently, the issue of licensing of Interior Designers is being considered in many states throughout the United States. Some states already have statutes in place that take the form of Title Acts, Practice Acts, Certification or Registering of Interior Designers. In most states, this issue is being pushed forward by a coalition of ASID, NCIDQ and FIDER, operating under several different acronyms, who seek a single entry method into the field of Interior Design. While these organizations are legally separate from one another, they have historically collaborated on policy and sat on each other's Boards.

While IFDA is neither for nor against legislation that regulates the field of Interior Design, we do believe that any legislation that is put in place should be broad-based legislation with multiple methods of entry that are fair and equitable and fully protects the right to practice Interior Design in every state and does not negatively impact fair competition. Many issues have been raised across the United States on this matter.

### **Our response is as follows:**

1. The above named coalitions have appointed themselves to speak on behalf of all of the approximately 100,000 practicing Interior Designers in this country. The Interior Design community at large has not elected the above named coalitions to speak on its behalf.

**IFDA Response:** ASID represents only approximately 3% of practicing Interior Designers in this country, more than half of whom are Allied members who do not meet the requirements their own association seeks to impose. Many ASID members are unaware of their own association's activities regarding legislation and few are involved in setting policy that is proposed by the larger association.

2. Proposals seeking to require those who wish to promote themselves as Interior Designers be graduates of FIDER accredited three or four-year institutions.

**IFDA Response:** There are approximately 60 first-degree accrediting bodies that can meet accreditation standards. Requiring that all programs be FIDER accredited, which is a secondary level accreditation, means that each institution must go through a second accreditation process. This increases the costs of accreditation and makes it nearly impossible for small programs to gain such accreditation and currently, no 2-year Associate Degree programs are receiving this accreditation. Requiring a 4-year degree from a select few institutions constitutes an onerous requirement, particularly for experienced Interior Designers who move into states with these requirements but

may not meet these standards, people seeking a career change and entry level students who may be well qualified to enter the field but who may not be able to attend one of these select institutions for a number of reasons. There are many well-established public and private institutions that have 4-year programs that are not FIDER accredited, 2 year Associate Degree programs, and private postsecondary programs providing quality Interior Design education. We believe any 4-year program or a combination of 2-year programs or trade school programs together with 2-6 years of work experience in the interior design field or no formal education but with 6-8 years of work experience is sufficient to qualify for the right to practice as an Interior Designer. This provides inclusive, rather than an exclusive, multiple entry methods into the Interior Design field.

3. Requirement to take the NCIDQ.

**IFDA Response:** NCIDQ is just one of several testing agencies qualified to test the skills of applicants, at least three of which have been deemed to provide psychometric criteria that an independent psychometrician in the State of California has deemed to be sound. NCIDQ is one of the most expensive tests and in the past, has been so difficult that they have recently lowered their own standards so that a greater number of applicants can pass. A study by the Research Center of the University of North Carolina found that more than 1/3 of the test is only marginally relevant to the actual practice of interior design. NCIDQ recently set new policy stating that in January of 2009, it will require a degree from a 3-year program or better to sit for this test. Since NCIDQ stands to gain financially by the legislation they seek to impose, we believe this constitutes a conflict of interest. Several qualified testing agencies should be available to provide skills testing.

4. Activities by this coalition have not been broadcast to the design community as a whole and efforts to pass legislation in some areas appears to be a quiet effort done in secrecy.

**IFDA Response:** We believe in a sunshine approach to this issue. Rather than proceeding in a quiet manner known only to a few, we believe this effort should be revealed to as many members of the furnishings and design industry as possible, including non-Interior Designers on whom any legislation may eventually impact. These coalitions, in order to truly speak for Interior Designers throughout the industry, should hold well-promoted Town Hall meetings throughout every region or state where they propose legislation so that full disclosure of their activities and philosophy is made known to all concerned. This should include resident Interior Designers, Architects, vendors, fabricators, product designers and any other trade that will ultimately be affected by such legislation. These Town Hall meetings would develop a true consensus of the needs and opinions of the furnishings industry and subsequent legislation should reflect that.

5. Current proposals will significantly raise the cost of entering and staying in the interior design field as an Interior Designer through required fees, costs of testing, bonds, additional licenses, additional educational costs and higher association fees.

**IFDA Response:** Fees imposed on Interior Designers should not be so onerous as to preclude the conduct of business at a fair profit without unnecessarily raising costs to the consumer. Current proposals place more requirements on Interior Designers than

most states place on stock brokers, Financial Planners, insurance brokers and real estate brokers, all of whom have a more pronounced financial effect on the lives of consumers. Imposing such restrictive fees and requirements will effectively reduce the number of people entering and staying in the field, thus reducing competition.

6. The coalition claims that the proposed legislation is necessary to protect the health, welfare and safety of the consuming public.

**IFDA Response:** There has been no documentation that shows that the lack of any of the above requirements has adversely impacted the consuming public. Indeed, it is impossible to legislate creativity, professionalism, ethical conduct of business, problem solving techniques or any other preferred qualities of Interior Designers. Nor is there any documented evidence that the public's safety or welfare has been put in jeopardy by practitioners who have not met the above requirements. A single minded regimented approach to entry into the Interior Design field flies in the face of the idea of diversity of thought, the willingness to try that which has not been tried before and the truly creative ideas that are the trademark of the field of Interior Design.

We believe that there is a place for organizations such as ASID, NCIDQ and FIDER and the services they have rightly provided to the Interior Design community. Their stand on the importance of education and professionalism is admirable and is shared by other furnishings and design associations and IFDA. Such organizations have done much over the years to raise the awareness of Interior Design as a profession and to promote high standards in the field to the benefit of the consuming public. We believe, however, that there is plenty of room for a variety of entry methods into the field that would meet the goals of protecting the health, welfare and safety of consumers.

Currently, 24 states have some type of legislation governing the Interior Design field. Many of those states have Title Acts that signify who can call themselves Interior Designers or some variation thereof but do not limit the practice of Interior Design. Historically, states that have legislated Title Acts have been amended some time later, and outside the public view, into Practice Acts states, which then limit the right to practice Interior Design, casting hundreds of Interior Designers unknowingly into unlawful practice. This is currently happening in Minnesota and Texas among other states. We believe that any legislation that seeks to reduce the competitive field of Interior Design constitutes restraint of trade and will narrow the field of practicing Interior Designers to such a degree that it will drive small independent businesses such as craftspeople and custom fabricators out of business. Less competition will push the cost of Interior Design out of the reach of the average consumer who today enjoys the ability to hire designers at a range of competitive prices. Interior Design will become an elitist service affordable to only a few high-income consumers who can afford not just the higher costs of the design service itself, but will be forced to pay higher prices for goods and services required to implement design projects due to the reduction in competition among product providers. It is impossible to conclude that this single entry method serves to enhance the welfare of consumers.

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The other CIDA stands up:

In the June 2003 issue of the nationally distributed IS design magazine, another organization with our name-- the Coalition for Interior Design Accountability, (CIDA)—began creating confusion and consternation in the interior design profession, by attempting to disrupt the current California system of design certification, which has been overseen by the California Council for Interior Design Certification (CCIDC) for a decade. CIDA's attack was designed to pave the way for a highly restrictive, sole-source method for licensing and registration of interior designers, sponsored by the American Society of Interior Designers (ASID), America's largest interior design association, whose increasingly militant national legislative agenda has caused rifts among working design practitioners and raised questions about whether independent and independent minded designers will have a place in the future of design. To set the record straight, our independent Coalition, CIDA, based in Hawaii, does not advocate for disruption of the current California system; we are not in favor of a highly restricted, single source approach for entry into what is essentially a creativity-driven industry; and we do not consider CCIDC to have failed to be accountable to the public as our California namesake claimed. Attacks on current legislation by ASID or CIDA members apparently looking to restrict trade in a creative industry, begs questions about the emerging profession of interior design, which we can only begin to address here, but which we hope will open up discussion and questioning by Californians, their legislators and others.

Our own private, non-profit coalition takes no funds from special interest groups and advocates on the basis that all talented and experienced designers, regardless of their specialty, who can exhibit the desired skills and capabilities and who are fiscally and morally accountable, should be permitted to compete in the interior design business to the fullest extent of their talents and interests, without excessive interference or restrictions.

Excessive restriction is counter-productive. Our nation's strength derives from its diversity and the creative, competitive spirit brought about from many different approaches to the problems and issues we face. To help keep the nation strong and its citizens safe, the Sherman and Clayton antitrust acts, arguably two of this nation's best safeguards against monopolistic inefficiency and corporate greed and tyranny, were established in recognition that excessive restriction of *any industry* is not in the public interest. The Sherman and Clayton acts make it illegal to restrict, or conspire to restrict trade. The acts variously allow for government and individual suits, fines and treble damages against organizations, or individuals who act to needlessly restrict trade. In extreme cases, it is a felony to restrict competition. Unnecessary restriction promotes industry stagnation and reduces the vital competitive forces that continually provide the American public with safer, more efficient and effective products and improved services. This is especially true of an industry like interior design in which creativity, individual personalities and fresh and raw talent, combined with design skill, experience, empathy and accountability are the driving forces of invention, innovation and change. To succeed and grow as an industry, diverse methods of entry and recognition of interior design

qualifications--as current California law requires--are not only useful but are absolutely essential to its future.

Working against diversity, in favor of its own brand of qualifications, following its February 2003 meeting in Arizona, the American Society of Interior Designers (ASID), encouraged and apparently is funding its members to form CIDA groups to lobby California legislators to replace that state's multi-entry system with ASID's single source approach for designer licensing and certification. ASID's focus this year is on California, a consumer motherlode and one of the world's top ten largest economies. For years ASID, through its funding and support of the California Legislative Coalition for Interior Design (CLCID), seemingly recognized the realities of the modern marketplace and the principles of free trade, accepting that multiple entry routes to interior design were required in California by law. Recently, buoyed by new determination, or in frustration, that ASID's 30-year quest to become the effective gatekeeper to the interior design industry was not moving ahead fast enough, ASID's increasingly dogmatic and politicized national administration withdrew support from CLCID, insisting that ASID's California members do the same. CIDA then denounced incumbent CCIDC, denigrating its work and hiring a prominent law firm to lobby against the existing system. In California, ASID already has a place at the design industry table and it is a place it no doubt deserves. But, ASID's national board, seemingly discontent with its share, wants to eat everyone else's lunch--and maybe take the table too.

ASID's preferred brand of qualifications is already one of several existing entry methods available in California, but it is not as ASID national demands the single 'standard'. It would be a coup for ASID to make its single-sourcing legal in California. However, new restrictions above those already in place could easily end as a form of monopolization personifying the thin end of that corporate control wedge, which frequently corrupts and hampers efficient progress in many fields of endeavor.

ASID, which is headquartered in Washington D.C., but incorporated in Delaware, keeps a tight reign on its 48 un-incorporated chapters throughout the nation and is not above bullying and intimidating dissenters in its zeal to promote its political agenda and to silence criticism from within. Two April 2003 letters to its 8 California ASID chapter presidents, one from the national office and one from their corporate attorney, made it clear that ASID chapter officers and members did not have much effective say in the organization's national policies, including its policies in California and that members' fiduciary and loyalty duties required them to follow national directives. Spelled out was that ASID members should not support its former ally CLCID financially, *or otherwise*. ASID members, it seems, may now have their civil and first amendment rights curtailed or suspended as an integral part of membership. ASID national can also be vindictive: In 1998, an article in a major New York newspaper, following several on-site tests of interior design services, was unable to find significant differences between hiring ASID or other designers. Incensed at this perceived slight, ASID's Washington D.C. leadership, through their appropriately named Hot Flashes alert, faxed their members around the country, requesting letters of complaint be sent to the reporters' editor. ASID did not suggest members read the article, which was well researched and on point--something ASID might have taken positive, rather than negative action about.

Questions and challenges to ASID national policies, in our experience, have been met with a mixture of equivocation and diversionary tactics: Requests by chapter presidents in 2000 to raise the meager 27.5 percent of membership dues that are returned to chapters for their operations were stonewalled, leaving chapter presidents and many members wondering just what happens to almost three-quarters of their up to \$400 annual cost of membership. Members have been bullied and strangely, even falsely, accused of bylaws violations if they happen to support organizations not sanctioned by the national board. We found it odd that ASID ethics processes are administered by one of ASID's three registered lobbyists and overseen by corporate counsel responsible for persuading dissenting California members into fearful quietude. ASID bylaws, including ethics rules, change with a surprising regularity; ethics processes appear to have been changed almost annually since 1998. CCIDC rules, on the other hand, do not allow for easy bylaw changes and significant membership oversight is required for alterations in ethics rules. ASID has no members right of appeal. One ASID member recounted their experience of attempting to clarify ASID bylaws, as the administrative equivalent to being a mark in a game of three-card Monte. Federal guidelines for due process and rules of evidence were absent or muddled in at least two ASID ethics processes we reviewed; multiple breaches of confidentiality existed in a third process. In our view, ASID had commingled ethics and politics to a degree we felt was inappropriate.

Secrecy can also be problematic. A September 3<sup>rd</sup>, 2003 letter to members, from the ASID President, ostensibly seeking to quell rumoring among members about failed merger talks, in 2002, between ASID and IIDA, a 10,000 member design organization, confirmed that it was ASID who wanted the details of previous discussions to remain cloaked, even though IIDA (the International Interior Design Association) had suggested a sunshine approach and had offered to restart talks. The 'clarification' letter virtually guaranteed a new round of speculation and rumor. Whether a merger between two large design groups, aimed at creating a louder single voice of the industry, would prompt an antitrust challenge from smaller organizations may yet need to be addressed.

Accountability, as with ethics and morals, ultimately depends on personal and corporate frames of reference, rather than measurable standards. In several years of monitoring and research, we could determine no significant measure of ASID's own corporate accountability. Indeed, rule changes since 2000 appear to have been geared towards lowering the standard of ASID's own corporate accountability.

ASID's extended family of non-profits reads like interior design's Royal Family with ASID in the role of Empress Dowager. The organizations: NCIDQ, FIDER and IDEC (detailed below), are legally separate entities, but are linked in ways which historically have included representation on one another's other's boards of directors and inter-connected financial dealings and donations. NCIDQ, for example, was slated to receive a donation from ASID in 2003, which is about equivalent to the dues funding of a 150-member chapter. For many years, ASID members have been asked to support these sister organizations both directly, through added membership donations and by outside fundraising activities. We do not in any way wish to denigrate or invalidate the work of these private, non-profit organizations, but CIDA Hawaii feels strongly that claims from organizations purporting to speak for, or protect the public, should not be simply accepted without an understanding of the processes and some historical perspective:

A formula for creating a credible profession requires: A membership association to generate interest and funds (ASID); An accreditation body to provide educational program validation (FIDER); An examination body to validate professional learning (NCIDQ); A legislative group to provide political action (CIDA); And, an educator's group to provide instructional input (IDEC). Each group then helps validate the other, providing the bootstraps by which a new system can be raised to the level of existing professions. The process takes time, often many decades, and is contingent on continuing cooperative action. But, close cooperation among insular group can also make collaborators prone to the dangers of Groupthink, which can unravel even the largest entities (the Enron debacle is an extreme case of the dangers of Groupthink in leadership cliques). In the 21<sup>st</sup> Century, however, insular and elitist approaches are already passé; education is in flux nationwide and change comes too fast for plodding, formulaic approaches to be other than anachronistic.

In accreditation, the Grand Rapids Michigan based Foundation for Interior Design Education and Research (FIDER), was founded in 1970, by the Interior Designer's Education Council (IDEC) and groups that became ASID in 1975. FIDER underwent complete restructuring, in 1999 and 'rightsizing' followed in 2000. In examination, The Washington D.C. based, National Council for Interior Design Qualifications (NCIDQ), founded by ASID, also underwent complete restructuring of its six-part examination in 2000 as a result of complaints and a low, uneven pass rate, which had been as low as 16 and 19 percent prior to the 2000 restructuring. In education, the Indianapolis based IDEC, founded in 1963 predates ASID and is an educator's association, essentially consisting of full-time academics, who would naturally promote their own livelihood by pressing for more and longer design education requirements. IDEC, FIDER, NCIDQ and ASID, with our namesake CIDA create a formidable voice in interior design. However, the loudest voices do not always represent the opinions--or the best interests-- of the majority. These legally separate, but closely affiliated and interrelated non-profits definitely create a significant force in the industry—the single voice they desire-- but they are not *the* industry. Despite the appearances and standardization noises it creates, ASID, in fact appears to be *the only* major special interest design association, currently advocating a nationwide single source, no exceptions route into the interior design profession. ASID even excludes the nationally recognized architectural exam, the model on which ASID has based sole-sourcing for its own brand, as a valid qualification.

It is no coincidence that the methods and 'standards' being advocated were established, funded, or are continuously supported by ASID, whose nationwide prescription for recognition of interior design practitioners as Interior Designers effectively requires that all education, training and examination become under the control and direction of the non-profit corporations within its own circle of influence. This is not to say that these legally separate organizations are not properly run or managed, but as the August 2003, ASID Magazine, ICON seems to affirm, any entity not chanting ASID's mantra is a potential candidate for the treatment accorded to CLCID this year—withdrawal of funding and support; sanctions in the form of lobbying to undermine an existing system supported by California law. This has resulted in added stress and conflicting loyalties for members who belong to more than one organization. ASID members being frightened into quietude by letters from headquarters and from corporate counsel and aggression

from CIDA California, indicate an increasing hostility to those in the industry with divergent views, which seems at odds with ASID's stated mission. In our opinion, this should be a cause of concern for all ASID members and for the district and states in which ASID enjoys the significant benefits of its tax-exempt status.

While our coalition recognizes the decades of effort that ASID has put into lobbying, advocacy and industry standards and in founding, funding and advocating FIDER and NCIDQ, we also realize many others, including our members, have played a vital part in the industry's success over the years. We further recognize the ASID extended family, comprises separate legal entities-- valid members of the industry with important things to say. Even so, to say these organizations *are* the industry, or that ASID *is the voice of the industry*, or to indicate ASID policies are *the industry standard*, as has been stated, stretches credibility beyond its breaking point and illustrates that the arrogance and self-interests of corporate America can be as pervasive in non-profits as in any for-profit corporation.

A profession does not arise without a market and some statistics may help provide an industry perspective: According to the Council for Higher Education Accreditation, a primary private industry supervisor of educational accreditation, there are 17,605 academic programs in 6,351 accredited institutions in the U.S. Less than 140 of those are FIDER programs. FIDER is one of 61 specialized first-degree accrediting bodies. FIDER is considered a secondary accreditation, which mirrors, but is not equivalent to major accreditation of universities and colleges. This secondary status means an interior design program needs to go through the accreditation process twice, once for its major accreditation, then again for FIDER. This significantly increases the cost and effort required for any programs to become FIDER accredited and virtually shuts out small or emerging design programs, preventing critical evolution of the industry. FIDER dropped its attempts to accredit 2-year colleges, when insufficient interest was demonstrated for its formula, which effectively provided only dead-end opportunities for aspiring students. The examination body, NCIDQ, which ASID insists must be the standard interior design exam for the nation, is one of a number of existing interior design related examinations. The 6-part NCIDQ exam, was forced to undergo complete restructuring in 2000, amid numerous complaints about its style and content and an unacceptable failure rate, even by experienced designers and qualifying design graduates; Passing the NCIDQ prior to 2000 took almost heroic efforts and was the focus of special praise in some ASID chapters. The latest 3-part NCIDQ examination has undergone scrutiny by the same educational overseers as other existing interior design related exams and we do not diminish it as a measure of learning competency. The exam is, nevertheless, a new product and cannot be considered *the* standard measure of professional abilities. Like programs elsewhere, the new NCIDQ must prove itself in real world action. Special deals for graduating students and re-structuring eligibility requirements for the NCIDQ have marginalized and in some cases alienated ASID's allied members, who may have years of training and experience, but without a FIDER accredited degree could eventually have no method of professional progress.

Significantly, we have not found conclusive indications that FIDER programs and NCIDQ examinations—the single standard ASID, FIDER, NCIDQ and IDEC advocate--make a measurable difference to professionalism in the industry, that would not have

otherwise been obtained through normal industry maturation and ethical and competitive business practices, backed by a broad range of educational options. Perhaps most important, is that our universities are and should be our first line factories for free thought and educational progress. Excessive channeling of undergraduate degrees opens the door to dogmatic, not receptive thinking. Promotion of dogmas is exactly what universities should stand against. Technical, vocational or post-graduate colleges may be more suited to channeled thought processes. Though it can be generally appreciated that education, experience and testing help build a body of knowledge, there seems little indication that a single-entry, standardization approach to an industry, whose very existence is based on evolving creativity and boldly attempting the previously untried, will do anything more than needlessly restrict access to those who are content to follow rigorous stepwise requirements, potentially holding America back, not pushing it forward. We do not doubt that the public needs a measure of certainty that the persons they trust with designing their homes and offices are qualified and experienced individuals. We are certain, however, that the public wants both diversity and a wide choice of qualified design professionals and practitioners and we have not found that closely tied prescriptive processes aid creative industries.

Most organizational leaders, regardless of their integrity, are occasionally inclined toward grandiose claims: CIDA, in California claims to speak for 2,500 designers and for the public, but is far less numerous in actual members. CIDA's ten-dollar membership fee hardly seems enough for it to have hired a prominent law firm to represent its interests to the California legislature this year, on its own accord so it will be interesting to review their published sources of funds. ASID claims the strength of 30,000, about one third of which are either students or vendors. The 20,000 practicing members divide further into professional members and allied members—ASID does not consider allied members to be professionally qualified, nor does it recognize architects as being qualified without passage of the NCIDQ exam (In 2001, NCIDQ planned to eventually recognize only FIDER accredited programs, which would virtually eliminate architectural or broad-based environmental design programs from contention). ASID can be further divided into those professional members who are considered qualified, having passed the NCIDQ and those who were grandfathered. One estimate placed the number of ASID members who would actually qualify to practice under ASID's own proposed ideal 'standard' at far less than 40 percent of its membership, or about 7,000 designers nationwide.

Factoring U.S. Census data and information obtained from several design organizations for the total numbers of interior designers actually employed in the industry gave us a minimum figure of 65,000 working designers, but this does not account for the many self-employed individual designers in the industry. We estimate that between 100,000 and 200,000 designers make a living from the interior design field. If the CIDA/ASID, prescription for interior design practice were imposed on the nation, we estimated that between 3 and 11 percent of practicing interior designers might eventually control the 6 billion dollar interior design industry. While this may be good for the few, there is a likelihood that this could eventually truncate, not expand, the 200 billion dollar home improvement and the 600 billion dollar construction industries.

Attacks by CIDA members on ASID's former ally, CLCID and incumbent certification body CCIDC look to us like opportunistic politics, with a mind towards corporate, not

community welfare. The driving forces behind this aggression, presumably, are money, power and control. Though ASID purposefully creates the appearance—and reality—of significant force, we find it hard to accept that Might necessarily makes Right, or that a family of out-of-state non-profits regardless of how noble, worthy and well-meaning they may be, should be considered the sole model for design industry growth and protection of the public in California. It is no secret in the industry that interior design organizations have lusted after the glory enjoyed by architects, wanting the name Interior Designer to become legally protected nationwide. It is also no secret that after decades of lobbying and job description clarification, the American public still has a hard time knowing—or caring about-- the difference between a decorator and an interior designer. What Americans want are skilled, straight-shooting advisors they can trust with the work they need done and who can handle the many problems that arise along the way.

America needs a large pool of talented individuals with diverse and up-to-date, skills and ideas in design and a vision of the future as it unrolls relentlessly before us. What the U.S. and California does not need are added restrictions on trade and industry, especially on advice from educators and special interest lobbying groups who have more than enough work to do to resolve their own industry crises. It is important, especially now that economic conditions require maximum inventiveness and openness to ideas and innovation, that Californians are not outwitted by slick lobbying, or misled by almost-facts from special interest groups offering ready-made solutions to what they see as California's needs. For Delaware incorporated ASID, California is a ripe fruit, which they believe is ready for harvest. But, Californians need to be cautious of further restrictive changes in a free market economy and it would be a worthwhile exercise to take a close look at who pulls the strings of any interior design groups offering sole-source legislative panaceas this year—or next.

Michael Colgan, MBA, A.S.D., Policy Director  
The Coalition for Interior Design Accountability, Hawaii  
September 16<sup>th</sup>, 2003

Opinions expressed herein represent the views of the Coalition for Interior Design Accountability (CIDA), a Hawaii non-profit corporation, advocating for diversity in the design industry. CIDA is an independent entity expressing opinions on matters it feels are of interest to designers and to the public.

**NATIONAL ASSOCIATION OF SCHOOLS OF ART AND DESIGN**

**Statement on Credentials in Creative Fields  
of Art and Design**

A primary mission of NASAD is the development and application of standards that articulate the competencies required of professionals in the various fields of art and design. Degrees and programs are efficient means of completing certain aspects of knowledge and skill development within specific time frames and academic structures. NASAD standards delineate expectations of knowledge and skills development for a variety of degree and program types and levels.

While NASAD recognizes traditional educational approaches to gaining the knowledge and skills to practice in the many fields of art and design, it also recognizes that nontraditional approaches work, and that traditional approaches are always evolving. Each of the various professional specializations in art and design, including its professorate, develops and evolves both the common body of knowledge and skills indigenous to its work, and the various means for evaluating the competence of practitioners entering the field. Overall, these judgments are made primarily on evaluations of work rather than on specific credentials.

The body of knowledge and skills necessary for the practice of a particular art or design profession exists independently. This means that there are many ways to develop individual capability and capacity. The existence and productivity of multiple paths to competence is consistent with the manifold natures of the creative and dynamic fields of art and design.

NASAD supports and protects an open system for the development of creative talent because these multiple paths enable mixtures of creative and technical perceptions and capabilities that continually enrich the work in each field of art and design. Many highly successful artists and designers have started their studies or practice in one specialization and evolved over time to become expert practitioners in another. It is also common for formal studies in art or design to be the basis for continuing education and development that leads to practice in more than one specialization.

NASAD supports the highest rigor in the creation and application of educational and professional standards; it supports the formulation and publication of competencies necessary to enter various specialized professions; it supports public designation of the names of institutions and individuals that meet published standards or competency requirements.

NASAD supports use of degrees and other credentials to indicate educational or career achievement or to provide public designation of specific attainments.

NASAD supports and participates in efforts to make potential students and the public aware of both the meanings of and the distinctions among various degrees and credentials, and whether educational institutions and programs are accredited.

NASAD supports policies and procedures that provide educational and professional credentials based on such criteria as education, achievement, success on qualifying examinations, and peer review as long as the policies and procedures respect the multiple paths taken by artists and designers in reaching their career destinations.

NASAD supports legislation, regulation, and other measures that reinforce the need for competency and ethics in professional fields and that protect the public; it opposes the view that there is only one way for individuals to attain such competencies and meet educational and professional standards in the various fields of art and design.

NASAD opposes the use of legislation, regulation, or other measures that restrict access to career entry or professional credentials in art and design by mandating directly or indirectly a restricted single curricular pattern, a specific degree or institutional choice, or a requirement that links a single accreditation to licensure. These approaches restrict academic freedom. They damage conditions essential for the educational mobility and the creative, artistic, and intellectual vitality necessary for optimum results in the various creative fields of art and design.

**Approved by the NASAD Membership  
March 24, 2003**

## The 5 Standards of Professional Regulation: An Examination of the Merits of Interior Design Regulation

Traditionally, governmental bodies establish criteria that must be met prior to establishing registration or licensure of a trade or profession. With this in mind, the National Council of Architectural Registration Boards (NCARB) was directed by its member boards to study the standards commonly used in state regulatory decisions. The NCARB study resulted in the identification of five foundations that are considered vital when considering the necessity of state registration of a trade or profession. The 1999 AIA Interior Design Task Force used these five factors in evaluating the need for interior design licensure. The standards address the following five key issues: 1) Mastery of a unique body of knowledge, 2) Protection of the public's health safety and welfare, 3) Safeguarding the public from incompetent practitioners or other related harm, 4) Establishment of rigorous entry level conditions, and 5) A willingness to allow actual state regulation to ensure public protection. Each of these registration thresholds will be discussed in order to illustrate the AIA national component's position on interior design registration and licensure.

**First, the practice of the trade or profession seeking registration must require that practitioners master a body of knowledge, skills and abilities which mastery is not readily achieved by laypersons.**

Nearly everyone who met with the Task Force recognized that most interior designers possess skills beyond a layperson and an elite few have highly specialized abilities. It was not apparent, however, that the knowledge and skills utilized by interior designers are of a unique nature. A majority of architects possess similar abilities and, more importantly, perform the same tasks. Furthermore, a review of the current educational standards for architects and interior designers illustrates some of the differences between the two training systems.

One of the clearest distinctions between a profession qualified for licensure and one that is not is evident in the nature of the original education offered -- and required -- of prospective professionals. Architectural education has long been acknowledged as being among the most rigorous required of any profession, reflecting the complexity of architectural practice and the consequences to the public interest inherent in that practice.

For an architect, the traditional pathway to licensure consists of rigorous training that emphasizes three equally important elements: education, experience, and examination. The process concentrates on the "three E's" to ensure that a candidate for licensure is adequately prepared to assume the mantle of public responsibility that comes with professional licensure.

In many instances, an interior designer appears to follow a similar career path. Moreover, interior design organizations emphasize the similarities of their system to the architect's three tiered process. However, on closer examination it becomes readily apparent that currently there are vast differences between the two systems, and inadequacies in the interior design training process make it impossible to guarantee any consistency in training.

For example, until recently, the Foundation for Interior Design Education Requirements (FIDER), which the states with title and practice acts recognize as the standard bearer for interior design education, accredited 2-year, 3-year, 4-year and 5-year degree programs [ It should be noted that FIDER recently announced new standards and that 2-year degree programs will be phased-out by the end of 2003].

As a result, an individual with a FIDER accredited degree will meet the minimal educational entry standards established for state and NCIDQ certification even if they only attended a two year interior design program. It is difficult, at best, to guarantee any mastery of knowledge in only two years. By comparison, to meet the educational requirement for licensure in most states an architect must have a *minimum* of a five-year bachelors degree.

The AIA acknowledges that the interior design community as a whole has made strides to increase the industry's standards. However, despite these efforts, current interior design educational requirements still fall well short of the bar.

The second regulatory measure is that **the improper practice of the trade or profession must impact substantially the health, safety, and welfare of the public.**

By and large, it is agreed that the chief reason that a state regulates an industry or profession is to protect the general health, safety and welfare of the public. But how does a state legislature determine whether a regulation is appropriate? To take the serious step of restricting the marketplace, thereby depriving some people of their livelihoods, it determines whether a profession provides services that *directly* and *significantly* affect the public health, safety, and welfare. Put another way, does the absence of regulation place the public at serious risk?

In the case of interior designers, according to numerous state government officials and agencies, the answer is no. A significant number of official statements have been issued that refute claims of the need for governmental intervention based on a lack of evidence that interior design practice has an impact on health, safety, and welfare issues. For instance:

- In October 2002, the Maryland Department of Legislative Services (DLS) issued an "Evaluation of the State Board of Interior Designers" in accordance with the State's sunset review law. The law requires the periodic review of existing regulatory programs to ensure that they are still needed to protect the public. The report stated that "The purpose of regulating professionals by State boards is to protect the health, safety, and welfare of the public from the unregulated practice of a profession. DLS finds that the regulation of certified interior designers is not needed to assure these protections, as the interior design services offered by certified interior designers present no risk of serious injury or financial harm to the public."
- In October 2000, the Colorado Department of Regulatory Agencies (DORA) issued its "Interior Design 2000 Sunrise Review." The report was issued after completing an exhaustive year-long review of the issue of interior design regulation. The DORA reports primary finding is that there is a lack of evidence that the unregulated practice of interior design "clearly harms or endangers the health, safety and welfare of the public."

Furthermore, the report states that “the lack of need to regulate interior designers in Colorado is supported by contact with other states that have chosen to regulate in this area ... the available evidence establishes that regulation in other states is questionable as to its need.”

- In the July 12, 1999 California Senate Committee on Business and Professions analysis of Assembly Bill 1096, legislation to create a new regulatory system for interior design, the analyst concluded that the need for state regulation of the industry was not established. The analysis further states that information supplied by interior designers to support their claims “though voluminous, has failed to establish that there is any serious public harm-health or safety or serious economic-from an absence of regulation of interior designers”. Furthermore, the analysis points out that “state intervention in a marketplace is warranted only when there is a significant potential for public harm.”
- In February of 1996, the California Joint Sunset Review Committee recommended the sunset of California’s private interior design certification program. In making the recommendation they stated that “there is no evidence that the unregulated practice of interior design would endanger the health, safety or welfare of the public and cause significant public harm”. In the same report they stated “in all these areas there was no evidence presented that there has ever been any danger to the public by persons acting as certified or non-certified interior designers”.
- On February 14, 1995, Allan Dehar, Chair of the Connecticut Architecture Board sent a letter to the Chairperson of the General Law Committee in opposition to proposed interior designer licensing legislation. He stated, in part, “if the work of a small number of interior designers truly affects the public health, safety and welfare, then these individuals should be licensed as architects under existing and time-proven qualification standards. We do not believe there is a demonstrated need which warrants creating a new licensing system to do essentially the same thing the architectural licensing law now does”.
- In April of the same year, New Jersey Governor Christie Whitman vetoed interior design legislation because “the contemplated increased State regulation would not provide any increase in protection or other measurable benefit to the public and safety is amply secured by existing legislation and building codes”.
- In February of 1995, the Building Officials and Code Administrators Incorporated Professional Chapter of Connecticut, in testimony before the Connecticut General Assembly General Law Committee, stated that “The purpose of licensing design professionals is not to arbitrarily grant to some individuals a right to engage in an occupation denied to others, but to establish minimum criteria to ensure that the safety, health and welfare of the general public are adequately protected.”
- In 1992, Ohio Governor George Voinovich vetoed an interior design regulatory measure and stated that “after carefully reviewing Amended Substitute Senate Bill 75, it does not appear to me that it addresses a significant health and safety issue”.

- In 1991, A South Carolina Sunrise Subcommittee report recommended that the General Assembly enact no regulation of interior designers. In explaining the rationale behind the recommendation, the report states that “the unregulated practice of interior designers does not present a clear and recognizable danger to the public health, safety, or welfare.”
- A December 1989 review in of proposed interior design legislation in Georgia by the State’s Occupational Regulation Review Council found that “The unregulated practice of interior design does not pose a recognizable threat to the health, safety, and welfare of the general public. The applicant group could not cite any instances in which death or serious injury has occurred involving the general public”
- A 1987 Virginia Board of Commerce interior design report concluded that “there are no documented cases of harm to the public health, safety, or welfare which can support the need for regulating the interior design profession.”

These conclusions are reinforced when reviewing the current content of the interior design industry’s examination, the National Council for Interior Design Qualifications (NCIDQ) test. According to the 2000 *NCIDQ Examination Guide*, Only 18% of the NCIDQ exam’s questions relate to health and safety issues. This amounts to only 39 of the exams 275 questions. By comparison, 29.5% of the exam covers “Function” and 26.9% of the questions examine knowledge of “Business, Law, and Ethics.” Certainly, this is important subject matter for a successful practitioner, but it pales in comparison to the import of testing a candidate’s knowledge of health and safety.

If protection of public health and safety from interior designers is truly an issue, then a heavier emphasis must be placed on health and safety examination content. For example, the Architectural Registration Examination (ARE) is designed to address health and safety issues in 100% of the exam sections and content.

After considering the facts, a preponderance of evidence leads to serious questions regarding the contention that interior designers significantly impact public health, safety, and welfare. As previously mentioned, professional licensure is traditionally limited to those whose activities might, if improperly practiced, adversely affect the health, safety, and welfare of the public. Because interior designers, if they limit themselves to those activities for which they are trained and about which they are tested, don’t provide services with *significant* health, safety, or welfare components, they fail to meet this important licensure criterion.

The third standard is that **the members of the public at risk must be unable to protect themselves satisfactorily from injury without the intervention of the state.**

Many interior designers state that licensure or regulation is warranted because consumers are at physical or financial risk from incompetent practitioners. However, the facts don’t support this premise. In several states, government officials have issued statements that question this claim and the empirical evidence seems to oppose it as well. Current estimates are that over 200,000 individuals practice interior design in the U.S. and Canada. However, only about 14,000 interior designers have been certified by NCIDQ during its 27 year

existence. Despite this fact, consumers are not complaining about the incompetence of unregistered interior designers.

Moreover, interior design licensure causes a legitimate potential of harm to the public interest. In many instances, interior designers are not deemed as being eligible for professional liability insurance, leaving clients exposed to significant financial and legal consequences. The insurance industry is not obliged to accept the mere fact of state licensure as a measure of true professional competence.

As stated by Richard D. Crowell, senior vice president of DPIC Companies, in a letter to AIA Illinois, "We would not be able to offer professional liability insurance coverage to interior designers who have not demonstrated training and competence equivalent to what is required for architects and engineers. Without appropriate insurance, the public is jeopardized for their economic loss . . . The public interest is not served by attaching the mantle of licensure to a profession that cannot offer even basic financial and legal protection to clients."

Many government entities have concluded that there simply seems to be no economic justification for government regulation of the interior design industry. Official statements on the issue include:

- The October 2002, Maryland Legislative Services "Evaluation of the State Board of Certified Interior designers" states that "Other than one complaint concerning a board decision not to grant "grandfather" status to a practicing interior designer, there have been no complaints filed with this board. While the current system purports to protect the public, it does not do so. Moreover, it is not clear that there is a need to protect the public."
- The October 2000, Colorado Department of Regulatory Agencies "Interior Design 2000 Sunrise Review" states that "It is difficult to see a benefit to the public in regulating interior designers. From research conducted, it appears that the marketplace has no complaints about the current situation of nonregulation. There has been no evidence supplied by the applicant that the public needs or demands this type of regulation . . . there does not appear to be a public demand for regulation nor is there any evidence of wrong being perpetrated by the various "unqualified" practitioners operating in this field."
- On September 10, 2000, California Governor Gray Davis vetoed House Bill 1096, legislation to create a new California interior design regulatory system. In his veto letter he stated that "this bill creates a new regulatory program for an industry where there is no demonstrated consumer harm. . . government intervention in a marketplace should be reserved for cases where there is consumer harm."
- In February 1996, members of the "California Joint Sunset Review Committee" concluded that "there does not appear to be any significant public demand for the regulation of interior designers, and there are a large number of those within the profession who do not seek certification". They based this conclusion partially on the

fact that only three consumers had registered complaints since the certification program was started in 1992.

- In his 1992 veto message, Governor Voinovich of Ohio stated that “I do not believe the genesis of this legislation arises from consumer complaints regarding the business ethics or professional standards of this industry. Rather, it would appear the registration requirements contained in Amended Substitute Senate Bill 75 follow the traditional model of professional licensing standards which often have anti-competitive affects and ultimately, lead to increased costs to consumers”.
- In a 1997 letter from the Texas Office of the Federal Trade Commission the same message was advanced. They state that “in a competitive market, competent designers will prosper over those with limited skills. Licensing is, therefore, not necessary as a means of eliminating incompetent practitioners from the marketplace”.
- As part of a 1991 South Carolina “sunrise review”, a thorough investigation was conducted. During this fact finding process, the subcommittee contacted *the Department of Consumer Affairs, Consumer Fraud Division of the Attorney General’s Office, the six better business bureaus serving South Carolina, all of the interior design boards in states with interior design regulation, the state’s professional design boards, the Barrier Free Design Board, and the State Fire Marshall.* The investigation turned up only two consumer complaints regarding interior designers and both of the complaints involved disputes over fee arrangements.
- In 1989, the Georgia Occupational Regulation Review Council found that “the Federal Consumer Product Safety Commission and the Federal Trade Commission respectively set flammability standards for fabrics and finishes, and establish labeling requirements for fabrics, carpeting, furnishings, and other textile products. Since manufacturers apply labels and provide detailed information, upon request, which indicate flammability standards for interior products, buyers have the ability to distinguish which products are safer than others.”
- In 1987, the Federal Trade Commission concluded that regulation of interior design would result in increased costs and fewer consumer choices.

The fourth accepted standard is that **the trade or profession seeking registration must be willing to have the state develop rigorous entry criteria necessary and appropriate to protect the members of the public at risk from unqualified practitioners.**

This document has already discussed some of the differences in the academic requirements of architecture and interior design degree programs. Comparing requisite experience between architects and interior designers presents a similar incongruity.

All architects are expected to complete a supervised internship as part of their training prior to licensure. In fact, the National Council of Architectural Registration Boards (NCARB) Architectural Registration Examination (ARE) *requires* a completion of a structured three-year internship prior to examination eligibility.

In comparison, interior designers have no formal internship requirement. Recently, NCIDQ instituted a new voluntary program to address this need. However, the program is in its rudimentary stages and is not a proven commodity. More importantly, the Interior Design Experience Program (IDEP) is not a prerequisite for examination eligibility and is not a requirement in any of the states that regulate interior design. Current interior designer registration acts often require a certain number of years of experience, often in combination with education, but don't define the nature of the experience. In addition, supervised training by a licensed professional, per se, is rarely required.

The stringent requirements in architecture for extensive real-world training are a reflection of the need for architects to be schooled in the full range of matters affecting the public welfare. In contrast, the lack of formal training requirements for interior designers, particularly in combination with the two-year education of many in the profession, may affect the ability of designers to deal effectively with health, safety, and welfare issues. Without subsequent, supervised, rigorous training, it is unlikely that gaps in knowledge left by inadequate education will be filled prior to gaining the licensure the interior design profession seeks.

The differences between the NCARB ARE and the NCIDQ exam reflect the differences between the two professions, the bodies of knowledge each requires, and the degree to which each deals with issues relevant to the public health, safety, and welfare.

Once a candidate for professional status meets education and training requirements, the final barrier to licensure is an examination that determines whether he or she has the necessary knowledge, skills, and ability to practice competently. It's a test of competence in those areas that are particularly relevant to the public health, safety, and welfare, since those are the factors that are the underlying justification for licensure in the first place.

The newly redesigned NCIDQ exam is 13.5 hours long and divided into three sections; two multiple choice and one 2-part practicum. The ARE is 42 hours long and contains nine sections. Importantly, as previously mentioned, only 18 percent of the NCIDQ exam deals with health and safety issues. The ARE almost exclusively "concentrates on those services that most affect the public health, safety, and welfare."

According to NCIDQ statistics, as of November 2002 approximately 16,700 people have passed the exam since its inception in 1974. No one knows exactly how many interior designers there are in the country but, suffice to say, it is a significantly higher number than 16,700.

The Occupation Report of the U.S. Department of Labor Bureau of Labor Statistics indicates there are 63,000; the American Society of Interior Designers reports over 30,000 members; the International Interior Design Association has over 10,000 members; while The National Legislative Coalition for Interior Design claims that there are "200,000 interior design professionals in the U.S. and Canada." Regardless of which number is accepted, the vast majority of designers are currently untested. Even if we limit the number to include the 19,953 individuals that are currently "state regulated", many designers have not passed the examination required for NCIDQ certification.

Two important factors are probably responsible for this statistic. The first is reciprocity. An important danger arising out of both title and practice acts is that most states that regulate interior designers automatically recognize the registration status of those practicing in other states. When interior designers are certified in one state, reciprocity provisions allow them to practice in other states, meaning all jurisdictions, in effect, are subject to the certification procedures of the weakest state statute. Because of reciprocity, a state's education, training, and testing requirements, even if stringent, offer no protection against less qualified interior designers entering the state to provide services. In architecture, reciprocity provisions are generally not a threat to the public welfare because all states have tough, consistent entry requirements for the profession.

The second is grandfathering. Of the 22 states or U.S. jurisdictions that currently offer either practice or title registration, all save one offered liberal grandfathering provisions. As a result, grandfathering makes it impossible to distinguish designers who have met FIDER or NCIDQ's minimal standards from those with no training at all. Nearly all of the states with interior design title or practice regulation allowed certification for many individuals with no formal education. The statistics and information on this provision are very informative and a cause for concern. For example:

- The October 2002, Maryland Legislative Services "Evaluation of the State Board of Certified Interior designers" states that when the title act was enacted in 1991 302 individuals were grandfathered in without having to pass the NCIDQ examination. As of September 2002, there are only 288 interior designers certified in Maryland and 112 of them, approximately 38%, were part of the original grandfathered group.
- In 1996 California found that 80% of its certified interior designers were grandfathered in without passing the full NCIDQ exam
- Louisiana currently estimates that only 25% of its registered interior designers are NCIDQ certified
- Minnesota estimates that only 17% of its certified designers have passed the NCIDQ examination
- Connecticut conservatively estimates that 2/3 of its registered interior designers are not NCIDQ certified

The existence of widespread grandfathering is one of the clearest indications that, even within the interior design profession itself, there is doubt about the need for uniform professional standards or testing, two fundamental requirements for licensure. If it is important that designers have knowledge of codes, standards, and other health and safety topics, it seems unlikely that a profession would allow its members to practice without being confident they were fully conversant with these matters. Under that scenario, all designers in regulated states would then be required to take and pass the current NCIDQ exam.

The final criterion used to evaluate regulatory need is that the trade or profession seeking registration must be willing to have the state regulate the actual practice of registrants to the extent reasonably necessary to protect the public.

State government officials have expressed skepticism about the motives behind the current pursuit of practice by interior design associations and legislative coalitions. Enhancement of the interior design profession's status is often cited as the true driving force behind interior design regulatory efforts.

- California legislators issued the opinion that "the state does not regulate and license occupations for the sole purpose of providing parity."
- The BOCA Professional Chapter of Connecticut, in testimony before the Connecticut General Assembly General Law Committee stated that "The purpose of licensing design professionals is not to arbitrarily grant to some individuals a right to engage in an occupation denied to others, but to establish minimum criteria to ensure that the safety, health and welfare of the general public are adequately protected."

Another factor that shouldn't be dismissed is that interior design organizations have established a weak and permissive code of ethics. It contains elements that are designed to benefit the practitioner rather than the public. For instance, it is common for interior designers to establish relationship deals with suppliers. The American Society of Interior Designers includes the following language to permit this common industry practice in the document "Governance of AISD Volume II-Policies": "ASID acknowledges that the pursuit of professional legal registration of interior designers is not meant to in any way impair, restrict, or in any other way prevent the sale of all merchandise related to the interior design profession, to any person, business, or government agency."

Clearly, the inclusion of such language benefits the interior designer and not the public. Although some interior designers eschew this type of activity, it is still an industry standard practice that adversely affects consumers and the construction industry's economy.

There is widespread acknowledgment that interior designers are often integral players in the design process. In fact, specialists in interior design are frequently employed on the staffs of architecture firms, complementing the services offered by licensed architects. Questions exist, however, about both their legal qualifications to undertake certain tasks and proposed legislative efforts to define a distinct profession governed by restrictive rules of entry and practice.

The licensure of professionals by states is of great importance and should be limited to those professions that significantly affect the public health, safety, and welfare. It is for this reason that all states regulate the practice of architecture. The stringent education, training, and testing requirements to which all licensed architects must adhere reflect that fundamental fact.

If examined objectively, it is readily apparent that the same can not be said regarding current interior design standards. Following the criteria outlined in the AIA Public Policy *Licensing: A*

*Basic Policy*, interior design registration fails to meet the minimum standards necessary to justify governmental regulation.

Interior designers are often integral members of the design team, making valuable contributions to the design and construction process. The AIA certainly does not question the important role that they play on a design team. However, interior designers are deserving of respect, not of legislative regulation for which they are neither qualified nor entitled.

COLORADO DEPARTMENT OF REGULATORY AGENCIES  
OFFICE OF POLICY AND RESEARCH

# INTERIOR DESIGNERS

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2000 SUNRISE REVIEW



October 15, 2000

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado Department of Regulatory Agencies has completed the evaluation of the sunrise application for licensure of interior designers. I am pleased to submit this written report which will be the basis for my office's oral testimony before the 2001 Legislative Committees of Reference. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, 1988 Repl. Vol., (the "Sunrise Act") which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm and, whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

\_\_\_\_\_  
M. Michael Cooke  
Executive Director

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## Background

### The Sunrise Process

Colorado law, §24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. ~~The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare.~~ DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:

~~1) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and ~~is not dependent upon~~ various arguments~~

~~2) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and~~

~~3) Whether the public can be adequately protected by other means in a more cost-effective manner.~~

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation.

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### Methodology

The Department of Regulatory Agencies (DORA) has completed its evaluation of the proposal for regulation of interior designers. During the sunrise review process, DORA contacted and interviewed the applicants, representatives from the American Institute of Architects, professional organizations, and surveyed county building officials. Interior design licensure laws in other states were reviewed and interviews with administrators of those programs were conducted. In order to determine the number and types of complaints filed against interior designers in Colorado, DORA contacted representatives of the Denver District Attorney's office, the Denver/Boulder Better Business Bureau, the Office of the Attorney General Consumer Protection Section, the State Board of Examiners of Architects, and the Governor's Advocacy Office.

### Proposal for Regulation

The ~~Colorado Interior Design Coalition (CIDC)~~ submitted a sunrise application to the Department of Regulatory Agencies in 1999 for review in accordance with the provisions of §24-34-104.1, C.R.S. CIDC represents practitioners in Colorado from the American Society of Interior Designers, International Interior Design Association, and the National Kitchen & Bath Association. The applicant originally requested state regulation of interior designers, but no specific level of regulation was specified. The applicants contend that the sunrise review process will help determine the appropriate level of regulation for interior designers in Colorado. They further state that the public has the right to know that the individuals in whose hands they place their trust and their dollars are qualified by education and training to practice their profession.

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Additional information was submitted to the Department of Regulatory Agencies on May 31, 2000 that addressed the issue of the level of regulation requested.<sup>1</sup> The membership of CIDC requested "title registration" as the appropriate level of regulation. Furthermore, the applicant contends that the designation "interior designer" should include standards for education, experience, and examination equal to those of the National Council for Interior Design Qualification (NCIDQ) in order to identify those individuals qualified to engage in the practice of interior design at that level of competency. A grandfather clause designating a combination of experience, education and examination standards was also recommended whereby qualified interior designers who have been in business are still able to practice.

~~1999~~, the Colorado Coalition of Interior Designers (Coalition) submitted a sunrise application to the Department of Regulatory Agencies. The Coalition was comprised of individuals belonging to the following professional organizations representing practitioners of interior design:

- the Interior Design Educators Council;
- the American Society of Interior Designers;
- the Interior Furnishing Designer Association;
- the International Society of Interior Designers;
- Institute of Business Designers; and
- the American Institute of Architects Interior Committee.

~~The~~ Coalition proposed "title protection" based on education, training, and testing criteria. After a careful review, the ~~Department of Regulatory Agencies~~ concluded that the applicant ~~had not demonstrated~~ that the unregulated practice of interior design within Colorado clearly harms or endangers the health, safety and welfare of the public. The review recommended ~~against~~ regulation of interior designers.<sup>1</sup>

The sunrise application asks the question "If the occupational group is a former applicant re-submitting a sunrise application, please include updated information that will substantiate the request for regulation." Although the applicant submitted no new information regarding actual harm to the public by the unregulated practice of interior design, they contend that once local building departments start adopting the International Building Code (IBC) and International Residential Code (IRC), most professional interior designers will no longer be able to function in their profession." They state the following: "Under the new International Building Code and International Residential Code without legal recognition for interior design, many projects which do not currently require an architect would then require an architect thus adding substantially to costs for consumers."

There is a range of interior design providers currently practicing in Colorado using the titles: interior designer, professional interior designer, interior decorator, interior architecture, or furniture consultant. As defined by the applicant, the professional interior designer practices independently or as a member of the overall design team and is a person qualified by education, experience, and examination to identify, research, and creatively solve problems pertaining to the function and quality of interior environments. Furthermore, while both interior designers and interior decorators have decorating skills and a concern with aesthetics; interior designers have comprehensive professional training and technical responsibilities. These include knowledge of:

- frame spread rating, smoke, toxicity and fire rating classification of materials;
- space planning for public and private facilities;
- national, state and local building codes and standards;
- the needs of disabled and elderly persons;
- ergonomics;
- lighting quality and quantity; and
- acoustics and sound transmission.

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The applicants propose that the minimum competencies for an interior designer reflect the requirements of the International Interior Design Association that requires a minimum of a two-year degree, successful passage of the NCIDQ examination, and six years experience.

### *Profile of the Profession*

The *Occupational Outlook Handbook* prepared by the Bureau of Labor Statistics defines an interior designer as one who plans the space and furnishes the interiors of private homes, public buildings, and commercial establishments, such as offices, restaurants, hospitals, hotels, and theaters. An interior designer develops, designs, and prepares working drawings and specifications for interior construction, furnishings, lighting, and finishes. Increasingly, they use computers to plan layouts. Interior designers design space in accordance with federal, state, and local laws, including building codes and meet accessibility standards for disabled and elderly individuals.

The National Council for Interior Design Qualification (NCIDQ) and the Foundation for Interior Design Education Research (FIDER) further define the practice of interior design as the following:

- analyzes client's needs, goals, and life safety requirements;
- integrates findings with knowledge of interior design;
- formulates preliminary design concepts that are aesthetic, appropriate, and functional, and in accordance with codes and standards;
- develops and presents final design recommendations through appropriate presentation media;

- 
- prepares working drawings and specifications for non-load bearing interior construction, reflected ceiling plans, lighting, interior detailing, materials, finishes, space planning, furnishings, fixtures, and equipment in compliance with universal accessibility guidelines and all applicable codes;
  - collaborates with professional services of other licensed practitioners in the technical areas of mechanical, electrical and load-bearing design as required for regulatory approval;
  - prepares and administers bids and contract documents as the client's agent; and
  - reviews and evaluates design solutions during implementation and upon completion.

Interior designers work as independent practitioners or as owners of design businesses in both the residential and commercial fields. Other interior designers are employees of design firms and architectural firms, government agencies, facility planners for individual businesses, and planners for commercial furniture dealers. Many designers specialize in an area of design such as medical facilities, special needs groups, elderly, hotel and restaurant design, retail store design, and layouts of offices and open office systems.

### Education

Formal training for interior designers is available in two, three, and four-year programs at community colleges, universities, and art institutes. The two and three year programs generally offered in community colleges award certificates or associate degrees in design, and graduates generally start as assistants to designers. The four-year degree program in accredited universities offers a Bachelor of Fine Arts in Interior Design.

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The Foundation for Interior Design Education Research (FIDER) is an independent, non-profit accrediting agency for post secondary interior design education that is recognized by the U.S. Department of Education. Standards for interior design education are formulated in consultation with practitioners, educators, employers, and students. The current FIDER standards require student achievement in theory of interior design; design process, programming, space planning, and application of design elements; technical knowledge; communication skills; ethics; history of interiors, art, and architecture; and techniques and research methods.

There are several institutions offering interior design courses in Colorado. However, only Colorado State University's Bachelor of Science degree in Interior Design is accredited by FIDER.

~~The University of Colorado merged its interior design degree with the architect's degree and currently offers a Master of Architecture with an Interior Design option.~~ Arapahoe Community College in Littleton offers a two-year course leading to an Associate of Applied Science degree that prepares the student for a career as an interior designer. The University of Colorado at Denver offers a four-year Bachelor of Fine Arts degree with a concentration in Interior Design. The Colorado Institute of Art offers a Bachelor of Arts degree in Interior Design while the Rocky Mountain College of Art & Design offers a Bachelor of Fine Arts degree in Interior Design.

### Associations

Interior design organizations that offer memberships to individuals include:

#### ASID - American Society of Interior Designers

With more than 30,000 members, the American Society of Interior Designers (ASID) is the oldest and largest professional organization for interior designers with the largest residential and commercial membership. Of the society's 20,000 practicing interior designers, 6,500 practice primarily in the commercial field with 4,000 members practicing primarily as residential designers. The remaining 9,500 work in both commercial and residential design. The Colorado chapter currently has 415 active members.

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The association has 49 chapters throughout the United States and more than 450 international members. ASID was founded in 1975 with the consolidation of the American Institute of Designers (AID) and the National Society of Interior Designers (NSID). Professional members of ASID must fulfill acceptance standards that include a combination of accredited design education and/or full-time work experience and passage of a two-day accreditation examination (NCIDQ).

#### **IIDA – International Interior Design Association**

The International Interior Design Association (IIDA) is a professional networking and educational association of more than 11,000 members in 8 specialty forums, 9 regions, and more than 30 chapters around the world. Their mission statement espouses their commitment to enhancing the quality of life through excellence in interior design and advancing interior design through knowledge. The Rocky Mountain chapter currently has 198 active members.

#### **IDEC – Interior Design Educators Council**

The Interior Design Educators Council, Inc. (IDEC) was founded in 1963 and strives for the advancement of education and research in interior design. IDEC fosters the exchange of information, improvement of educational standards, and development of the body of knowledge relative to the quality of life and human performance in the interior environment.

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## Regulation

### Private Credentials

The Council for Qualifications of Residential Interior Designers (CQRID) and the National Council for Interior Design Qualification (NCIDQ) are national, nonprofit organizations that conduct voluntary certification programs for interior designers. Both organizations have developed examinations that measure an interior designer's education and knowledge. Successful completion of the NCIDQ examination is a prerequisite for professional registration in those states that have enacted licensing, registration, or certification requirements.

### CQRID - The Council for Qualifications of Residential Interior Designers

The Council for Qualifications of Residential Interior Designers developed an examination for residential interior designers to attain state licensure/certification credentials. The Professional Examination Service, an independent, nonprofit testing company administers the two-part examination. Part one consists of 200 multiple choice questions with a time allotment of three hours. Part two consists of three practical design problems requiring competence in basic drafting skills, space planning, and barrier-free design. In addition, part two requires the applicant to draw an elevation and an electrical overlay. Six hours are allocated to complete this section of the exam.

The CQRID examination is available to practitioners of residential interior design who, at the time of application, have a total of six years of interior design education from an accredited institution and/or experience earned in any of the following combinations:

- Four-or five-year degree in interior design or design-related field, plus two years of practical interior design experience.
- Three-year degree in interior design or design-related field, plus three years of practical interior design experience.
- Two-year degree in interior design or design-related field, plus four years of practical interior design experience.

- A high school diploma or GED, plus eight years of practical interior design experience.

### NCIDQ - The National Council for Interior Design Qualification

The National Council for Interior Design Qualification is an independent, nonprofit organization whose purpose is to provide the public with the means to identify interior designers who have demonstrated the minimum level of competency they believe to be needed to practice interior design. NCIDQ's function in the certification process includes the establishment of standards for education and experience and the administration of a minimum competency examination. Since its inception in 1974, over 13,500 interior designers have successfully completed the examination and are NCIDQ certified.

NCIDQ examinations are developed by interior design practitioners, educators, and a test development consultant, based on current job analysis study of the profession. The analysis examines the knowledge required and the tasks performed by interior design practitioners. The examination is comprised of the following content areas: building and interior systems; codes/standards knowledge; programming, planning and pre-design; contract documents; theory; business and professional practice; project coordination; furniture/fixtures/equipment/finishers; history; and communication models. Within the building and interior systems content area, questions address issues such as types of construction and materials for both building construction and interior construction. The codes/standards knowledge content area includes questions on life safety, building codes, barrier free design, and testing standards. More specifically, code requirements for fire resistance ratings, occupant load, means of egress, occupancy classifications, accessible routes and fixtures and classification/ratings of materials are addressed. Successful completion of the NCIDQ examination is a prerequisite for professional registration and licensure in all 19 states with title protection or practice acts.

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### *The Colorado Experience*

Within Colorado there are an estimated 1,000-1,500 interior designers practicing. Approximately two-thirds of those are members of the American Society of Interior Designers or the International Interior Design Association. The National Council for Interior Design Qualification records currently indicate that 245 designers in the State of Colorado have taken and passed the multi-part NCIDQ examination. In addition, NCIDQ reports that a substantial number of interior designers have passed one or more parts of the exam and will complete the NCIDQ in the future.

Currently, there is no Colorado statute or local or county law that specifically requires registration or licensure of interior designers. Furthermore, the Architect Licensing Statute, §12-4-112, C.R.S., exempts activities typically conducted by interior designers. Section 112 of the Architect's Licensing Statute provides exemptions for dwellings for up to four families; commercial buildings designed for less than 10 people and that do not exceed one story in height. Additions or alterations to any building exempt from the statute that do not bring the building or dwelling over the exemption limits are still exempt. Nonstructural alterations to any building that do not affect the life safety of the occupants of the building are exempt.

The 1997 Sunset Review of the Board of Architect Examiners examined the proposal by the American Institute of Architects (AIA) requesting that some of the exemptions in §12-4-112, C.R.S., be modified to bring additional building remodeling and retrofitting projects under the purview of the architect statute. The review reported that "no evidence was presented by AIA or the building officials that the current exemptions present a harm to the public." Furthermore, local jurisdictions have the option of adopting standards stricter than state law for building requirements, therefore if the existing exemptions present a problem in a particular jurisdiction; local governments can address the issue without state government mandates.

Current Colorado law does not limit or prohibit any individual from the practice of interior design. However, the Colorado Consumer Protection Act (§6-1-105(1)(b), (c), (e) and (l), C.R.S.) prohibits individuals from misrepresenting their certification, abilities, and associations, and making false or misleading statements concerning the price of goods, services, or property. In addition, §6-1-707(1)(a)(l), C.R.S., prohibits an individual from claiming "either orally or in writing, to possess either an academic degree or an honorary degree of the title associated with said degree, unless the person has, in fact, been awarded said degree." While this Act does not prohibit individuals from performing interior design tasks, it does prohibit individuals from claiming that they have an education or background they do not possess. An individual who misrepresents his or her qualifications may be in violation of this Act.

### Regulation in Other States

Interior design regulation, either title protection or practice act, currently exists in 19 states: Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Louisiana, Maine, Maryland, Minnesota, Missouri, Nevada, New Mexico, New York, Tennessee, Texas, Virginia, and Wisconsin. Of the 19 jurisdictions with interior design regulation, ~~Florida, Louisiana, Nevada, and Wisconsin~~ (Florida, Louisiana, Nevada) have practice acts, and one state (California) has self-certification. Of the 15 states with title protection acts, California, Georgia, Illinois, and Texas also have provisions for disciplinary actions and grounds for revocation of license or registration.

Currently a bill before the California General Assembly will repeal the private certification program and establish a nine-member board of Interior Design in the Department of Consumer Affairs. It will adopt guidelines for the use of the title "registered interior designers", require designers to use a written contract, form a consumer restitution fund for aggrieved consumers, and establish options for disciplinary action against unethical registered interior designers.

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DORA contacted and interviewed representatives from all 19 states to determine the level of complaint and disciplinary activity imposed on interior designers. The primary findings of the interviews conducted with representatives from the state licensing boards and divisions were that there were relatively few or no complaints filed against interior designers and no suspensions or revocations imposed.

The chart on the following page summarizes the regulation of interior designers in other states including type of law, regulatory agency, number of licensees, complaint activity, education, and examination requirements.

# Other State Regulatory Programs for Interior Designers

STATE	YEAR LAW ENACTED	TYPE OF LAW	REGULATORY BODY	NO. OF LICENSES	COMPLAINT/ DISCIPLINARY ACTIVITY	LAW REQUIREMENTS	EDUCATION/TRAINING REQUIREMENTS
Alabama	1982	Title Protection; Certificate of Registration	State Board of Registration for Interior Designers	181	No disciplinary activity to date.	NCIDQ	Completed 48 semester hours of education related to interior design
Arkansas	1993	Title Protection; Registered Interior Designer	Board of Registered Interior Designers	N/A	N/A	NCIDQ	4 or 5 year program - 2 years experience 3 year program - 3 years experience Combination of 8 years education and diversified interior design experience
California	1991	Private, non-profit self-certification	Council for Interior Design Certification	3,500	20 complaints from 1995-1999 (13 certified designers & 7 Code of ethics - 1 Fraud - 2 Monetary - 12 Misrepresentation - 3 Breach of Contract - 2 I suspension* 1 revocation**	NCIDQ	Graduate of: 4 or 5 year program - 2 years experience 3 year program - 3 years experience Combination of 8 years education and diversified interior design experience
Connecticut	1983	Certificate of Registration	Dept. of Consumer Protection - Professional Licensing Division	604	N/A	NCIDQ	None
Florida	1994	Practice Act; Registered Interior Designer	Dept. of Consumer Protection - Professional Licensing Division	2,552	For 1998-99 there were 238 complaints - 186 of which were determined legally sufficient. Also received 136 complaints regarding unlicensed activity. (These numbers include complaints against architects and architecture businesses)	NCIDQ	Graduate of: 5 year program - 1 year experience 4 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience
Georgia	1995	Title Protection; Registered Interior Designer	State Board of Architects	235	Not available	NCIDQ or any examination accepted by the NCARB	4 year degree whose program is accredited by the NAAB or by FIDER
Illinois	1994	Title Protection; Registered Interior Designer Also: Title Protection; Registered Residential Interior Designer	Department of Professional Regulation - Board of Interior Design Professionals	1,659	N/A	NCIDQ for interior designers; CQRID for residential interior designers (and a high school diploma)	Graduate of: 5 year Interior Design Program from accredited institution - 2 years experience; 4 year Interior Design Program from accredited institution - 2 years experience; 2 year Interior Design Program from accredited institution - 4 years experience; Completed 3 years of Interior Design curriculum from accredited institution and 3 years of experience; Holds a high school diploma or GED and 5 years of experience
Louisiana	Enacted 1984 Revised 1999	Title Protection; Licensed Interior Designer Practice Act; Registered Interior Designer	State Board of Examiners of Interior Designers	600	Issued 20 letters in the past 13 years regarding misuse of the title "Licensed Interior Designer."	Passage of the NCIDQ exam or Passage of the building and barrier free section of the NCIDQ and 15 hours of board-approved continuing education relating to barrier free code	Graduate of: 5 year program - 1 year experience 4 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience
Missouri	1993	Title Protection;	State Board for Licensure of	No complaints	No complaints	NCIDQ	Graduate of:

STATE	YEAR LAW ENACTED	TYPE OF LAW	REGULATORY BODY	NO OF LICENSES	COMPLAINTS / DISCIPLINARY ACTIONS	EXAM REQUIREMENTS	EDUCATION/TRAINING REQUIREMENTS
Maryland	1991	Certified Interior Designer	Architects, Landscape Architects and Interior Designers	28	No disciplinary actions	NCIDQ	5 year program - 1 year experience 4 year program - 2 years experience
Minnesota	1993	Title Protection: Certified Interior Designer	Board of Certified Interior Designers	299	1 complaint since 1991	NCIDQ	NCIDQ education and experience qualifications necessary to take their exam
Missouri	1993	Title Protection: Registered Commercial Interior Designer	Board of Architecture, Engineering, Landscaping, Landscape Architects, Geoscience and Interior Design	1,000 (includes architects certified as IDs)	2 complaints for practicing as an architect (case and design order imposed)	NCIDQ	Graduate of: 4 or 5 year program - 2 years experience 2 year degree - 4 years experience
Nevada	1995 enforcement initiated in 1998	Practice Act: Registered Interior Designer	Division of Professional Registration, Interior Design Council	N/A	N/A	NCIDQ	Graduate of: 4 or 5 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience
New Mexico	1989	Title Protection: Interior Designer	State Board of Architecture, Interior Design, and Residential Design	56	8 cases to date All violations for practicing, advertising as regis./reg. design professional without a certificate of registration	NCIDQ	Graduate of: 5 year program - 1 year experience 4 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience At least 6 consecutive years experience
New York	1991 (first licensed in 1994)	Title Protection: Licensed Certified Interior Designer	State Regulation and Licensing Department, Board of Interior Design	126	One complaint pending re: fee dispute No discipline in the past years	NCIDQ	Graduate of: 5 year program - 1 year experience 4 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience It is apporokled under a designer who has passed the NCIDQ or a licensed designer for 3 years
Tennessee	1991 (first registered in 1993)	Title Protection: Registered Interior Designer	State Education Dept. State Board of Interior Design	141	No complaints No disciplinary actions	NCIDQ	Accrue at least 7 years of education and experience including 2.5 years of postsecondary education in an approved program; at least 2 years of work experience
Texas	1991	Title Protection: Registered Interior Designer	Board of Architectural Examiners	8,000	No complaints No disciplinary actions	NCIDQ	Graduate of: 5 year program - 1 year experience 4 year program - 2 years experience 3 year program - 3 years experience 2 year program - 4 years experience
Virginia	1990	Title Protection: Certified Interior Designer	Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects	362	In 1999 32 complaints (20 for incomplete renewal form) No disciplinary actions	NCIDQ	A degree in interior design from a FIDER accredited program and one or more years of experience in interior design; or a combined total of six or more years of interior design education and/or experience including at least one year of each
Wisconsin	1995 (first registered in 1996)	Title Protection: Registered Interior Designer	Department of Regulation & Licensing	367	No complaints No disciplinary actions	NCIDQ or CQRID (with building barrier free section of NCIDQ)	Graduate of: 4 or 5 year program - 2 years experience

## **Sunrise Analysis and Recommendations**

*Recommendation: The General Assembly Should Not License or Otherwise Regulate Interior Designers.*

### *Potential Public Harm*

The sunrise statute requires an analysis of whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public and whether the potential for harm is easily recognized and not remote or dependent on tenuous argument.

The applicants have not submitted information demonstrating that harm to the public has occurred, or that the public was endangered by the threat of potential harm from the unregulated practice of interior design. Although recognizing that documenting financial and physical harm is difficult, this review found no evidence of physical or financial harm being caused to Colorado consumers by the unregulated practice of interior designers. The Department investigated the types and numbers of complaints received by the American Society of Interior Designers (ASID), the Denver/Boulder Better Business Bureau, Office of the Attorney General Consumer Protection Section, Board of Architecture, the Governor's Advocacy Office, and the Denver District Attorney's Office, Economic Crime Unit. There is no indication that poor interior design work is a problem amongst consumers. The following information details the response from each of the above-mentioned agencies.

*American Society of Interior Designers (ASID).* The national chapter of ASID is the central agency that receives all ethics complaints concerning members. ASID reports that there has been a 39% increase in the number of ethics cases filed between 1997 and 1999. The dominant issue involved in the majority of ethics complaints filed is compensation. This includes anything from payment for services rendered, possible over-billing, unclear methods of compensation, and hidden charges. Communication was identified as the issue in the next largest group of complaints received. This includes lack of communication, miscommunication, unreturned telephone calls, and dishonesty. Unprofessionalism follows communication as the third leading cause of ethics complaints. This includes unprofessional behavior, improper conduct of business practices, and improper business relationships. The next leading categories of complaints are quality/competency and contract disputes.

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*Denver/Boulder Better Business Bureau.* A representative from the Better Business Bureau (BBB) reported that consumers filed 10 complaints against interior designer/decorator firms during the past three years. There are currently 150 interior designer/decorator firms established in their database. The BBB reports that approximately 12,000 complaints were submitted against all business categories during that period. The BBB does not make any judgments as to the validity of complaints.

*Office of the Attorney General Consumer Protection Section.* Of the 3,855 formal complaints received by the Colorado Office of the Attorney General during calendar year 1999, 1,080 were dismissed and 726 were referred to other agencies. Of the remaining 2,050 complaints, 4 were against interior designers. Of these, one was referred to the Electrical Board, one was withdrawn, and two were financial complaints.

*Board of Architecture.* The Board of Architecture stated that they have not received any complaints against interior designers during the past two years.

*Governor's Advocacy Office.* This office has not received any complaints against interior designers during the past three years.

*Denver District Attorney's Office Economic Crime Unit.* The Denver District Attorney's office received two complaints against interior designers in the past five years. Both complaints were potential criminal cases and not cases of professional incompetence.

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## Barriers to Practice for Colorado Interior Designers

The applicants have emphasized that one of the primary motivating factors for the request for licensure is the probable implementation in Colorado of the new International Building Code (IBC) and the International Residential Code (IRC). The IBC reflects the consolidation of three existing model building codes currently utilized in the United States: Uniform Building Code (currently adopted by a majority of Colorado cities and counties), the Southern Building Code Congress International, and the Building Officials and Code Administrators International (BOCA). The applicants contend that the new International Building Code and International Residential Code will result in a restraint of trade for interior designers. It is suggested that building officials will no longer accept drawings submitted by interior designers.

The current section of the Uniform Building Code that is pertinent to the concern of the interior designers reads as follows:

**106.3.2 Submittal documents** Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

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The 2000 International Building Code and the 2000 International Residential Code have revised this section to read:

**106.1 Submittal documents.**  
*Construction documents, special inspections and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.*  
*(Emphasis added)*

The applicant asserts that a regulatory scheme is necessary for interior designers to continue practicing their profession in the State of Colorado. The newly developed IBC and the IRC state that those persons who are permitted to submit building plans and documents to building departments are limited to a "registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed." Furthermore, the interior designers contend that once local building departments start adopting the IBC and IRC, professional interior designers will no longer be able to function in their profession. They argue that in the state of Colorado, the only two professions that meet the criteria set in the codes are architects and engineers and that without legal recognition by the state of Colorado, many interior designers and interior design firms will be put out of business. The applicants further maintain that under the new IBC and IRC codes, without legal recognition for interior design, many projects which do not currently require an architect would then require an architect thus adding substantially to costs for consumers.

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To address the significant concerns of the applicant, the Department of Regulatory Agencies surveyed building officials from 38 counties in Colorado (see Appendix A). Eighteen building officials responded representing the following counties: Adams, Alamosa, Boulder, Chaffee, Denver, Eagle, Fremont, Gunnison, Jefferson, Larimer, Lincoln, Mesa, Montrose, Park, Pitkin, Routt, San Miguel, and Weld. The purpose of the survey was to determine the potential impact of the adoption of the new building codes on interior design practice in Colorado. The survey results clearly show a consensus in the opinions of the building officials. All but one official responding indicated that the adoption of the IRC and IBC would not affect the types of plans and specifications that they currently accept from interior designers; thereby not restricting the practice of interior designers. One official indicated that the county was unsure of the impact of the IBC and IRC on interior designer plan submittal.

Six of the jurisdictions surveyed responded that they were not planning on adopting either the IRC or IBC. The respondents differed as to instances in which they currently accept plans and specifications from interior designers. Nine building officials accept plans and specifications for one, two, three and four family dwellings; whereas 7 accept plans for office buildings not exceeding one story and not designed for occupancy by more than 10 persons. Twelve building officials indicated that they currently accept plans and specifications for non-structural alterations to any building, if alternations do not affect the life safety of the occupants.

Several building officials surveyed had been involved in code change hearings since 1998 and were familiar with the concerns of the interior designers (see Appendix B for statements supplied by building officials). In addition, the Staff Attorney for the Colorado Municipal League (CML) who has been involved in the effort related to municipal support of the new building codes addressed this issue. CML's attorney responded that there is no evidence supported by municipalities that the lack of registration for interior designers would create a problem in submitting drawings (see Appendix C for Colorado Municipal League statement.).

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In response to DORA's request for an Informal Opinion, the Colorado Office of the Attorney General concludes that if the IRC and IBC are adopted by a Colorado county or municipality, there will be no effect on the ability of interior designers to submit construction documents. Specifically the Informal Opinion states the following:

*The IRC defines "Registered Design Professional" as "[a]n individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed. IRC § 202. As indicated in Section 1, Interior Designers are not required to be registered or licensed in the State of Colorado. Therefore, Interior Designers are not "registered design professionals" as defined by the IRC. Because Interior Designers are not registered design professionals, they cannot be limited from submitting documents based on their registration status.*

*In conclusion, the IRC recognizes two types of professional designers: those required to be registered by statute or ordinance, the registered design professionals, and those for whom there is no registration requirement, the "non-registered design professionals" (including Interior Designers). Under the IRC, a building official cannot accept documents of a type required to be prepared by a registered design professional unless the designer is properly registered, but the building official can accept any document prepared by a non-registered designer. The only occasion a building official may have to refuse documents submitted by a non-registered design professional is when the documents are not necessary to show a project's compliance with the building codes (i.e. are not relevant to the building official's review of the permit application). Therefore, the IRC will not put any limitations on, nor hinder the practice of interior design.*

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The issue of regulating interior designers is not unique to Colorado. There is a concentrated effort by members of the interior design profession across the nation to be regulated. Also, nationally there is disagreement by certain bodies on the necessity of regulation. On the "for" side are the interior design associations, while on the "against or neutral" side is the American Institute of Architects (including the Colorado chapter).

### *Benefit and Need*

The second criteria states "whether the public needs, and can be reasonably expected to benefit from an assurance of initial and continuing professional or occupational competence."

It is difficult to see a benefit to the public in regulating interior designers. From research conducted, it appears that the marketplace has no complaints about the current situation of nonregulation. There has been no evidence supplied by the applicant that the public needs or demands this type of regulation. It is certainly agreed that environments need to be safe, functional, and comfortable and that services must be performed by individuals who are both ethical and competent. However, DORA has not found documentation to the contrary that suggests that this is not currently occurring. There does not appear to be a public demand for regulation nor is there any evidence of wrong being perpetrated by the various "unqualified" practitioners operating in this field.

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Results of Regulation in Other States Do Not Support the Argument to Regulate in Colorado

The lack of need to regulate interior designers in Colorado is supported by contact with other states that have chosen to regulate in this area as illustrated in the table beginning on page 14. Of the 19 states with regulation, 5 have not received any complaints nor taken any disciplinary action. Complaint activity is low in general in 12 states and the few complaints that have been received involved use of the restricted title. The State of Maryland received one complaint because the customer was distressed over the size and geometric design of a rug ordered by the interior designer. The two complaints received in Minnesota involved interior designers who were practicing architecture without a license. Texas, with 8,000 registered interior designers, and California with 3,500 privately certified interior designers, has received 32 and 20 complaints respectively. In Texas, the Board initiated 20 of the 32 complaints for improper application renewal. California complaints are related to ethics violations, fraud, misrepresentation, breach of contract, and monetary disputes (see Appendix D). The experience of the states that regulate interior designers has been one of few complaints. There is no reason to expect that the Colorado experience will be any different if it chooses to regulate interior designers.

The available evidence establishes that regulation in other states is questionable as to its need. Further, no persuasive evidence has been submitted to DORA that actual or potential measurable harm exists in the interior designers field that would be solved by the imposition of a licensing scheme. Although we have no doubt that there are incidents of substandard practice in this profession as in any other profession, we have been presented with little evidence which would lead us to believe that there is a significant threat which the state should seek to address through new regulation.

Furthermore, there is not a strong argument that the public would benefit from regulation placed on interior designers. As the report indicates, contact made with the appropriate agencies indicate very little record of complaints by consumers against interior designers.

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### Cost

The third criteria questions whether the public can be adequately protected by other means in a more cost-effective manner. Current Colorado statutes provide penalties for persons involved in deceptive advertising and fraud. Falsely representing the use or benefits of products or services through any medium of communication violates the Colorado Consumer Protection Act (§6-1-101, et seq., C.R.S.). Such violations also include falsely representing an association affiliation of a practitioner. In addition, this Act includes false claims concerning education degrees (§6-1-707, C.R.S.). Successful prosecution by consumers under the Colorado Consumer Protection Act can result in the payment of triple damages and the award of the plaintiff's attorney fees.

The National Council for Interior Design Qualification, a private credentialing entity, certifies interior designers who pass an exam and who meet certain educational requirements. Since this exam is used in all states that regulate interior designers, this vehicle for testing the competency of an interior designer is available to anyone in Colorado who wishes to take it. The state does not need to duplicate the efforts of the NCIDQ.

If regulation were to be imposed by the Legislature, the cost of such regulation would be dependent upon a number of issues, such as:

1. The establishment of a Board of Interior Designers;
2. The amalgamation of interior designers with an existing Board;
3. The numbers of interior designers in Colorado who would become licensed, certified, or registered;
4. The type of regulation imposed;
5. The establishment of a new examination or usage of the National Certification for Interior Design Qualifications (NCIDQ);
6. The requirements necessary to ensure initial or continuing competency with the profession; and

- 
7. Other matters to be considered by the Board such as handling of complaints and rulemaking.

Conclusion

Given the data submitted and obtained during this review, and that the unregulated practice of interior designers has not resulted in significant harm to Colorado consumers, this sunrise review contends that regulation of this occupation is not necessary. The applicant has not demonstrated that the unregulated practice of interior design within the State of Colorado clearly harms or endangers the health, safety and welfare of the public. Consumers have the means to verify the credentials of interior designers in order to make their own informed decisions. They also have the provisions in the Colorado Consumer Protection Act to pursue damages in relation to a violation of deceptive trade practices.

Although the profession is regulated in some states, these acts generally deal with protecting the title of "interior designer" and also include exemptions such as architecture and engineering. As found by contacting other states that have chosen to regulate in this area, complaint activity is low in general and the few complaints that have been received mainly involve use of the restricted title. Results of regulation in other states do not support the argument to regulate in Colorado.

In response to the applicant's concern regarding the adoption of the IRC and IBC, DORA conducted interviews and received correspondence from Colorado building officials, the Office of the Attorney General, and the Colorado Municipal League. These entities verified that the adoption of the *2000 International Residential Code* and *2000 International Building Code* will have no impact on the Colorado interior design industry.

# Appendix A - Results of DORA Survey of County Building Officials

County: 18 counties responded

What building code do you currently use, if any?

- Uniform Building Code (12) 1997 (5) 1994 (1) Not specified
- Building Officials and Code Administrators International (BOCA)
- Other \_\_\_\_\_
- None

The current architectural statute, §12-4-112, C.R.S., provides exemptions from the practice act. Please indicate in which instances you currently accept plans and specifications from interior designers.

- One, two, three and four family dwellings, including accessory buildings (12)
- Office buildings not exceeding one story and not designed for occupancy by more than 10 persons (9)
- Non structural alterations to any building, if alterations do not affect the life safety of the occupants (15)

Are there any additional instances in which you accept plans or specifications from interior designers? Please specify.

The 2000 International Residential Code (IRC) and the 2000 International Building Code (IBC) are replacing the existing codes used by building officials throughout the United States.

Is your jurisdiction planning to adopt the IRC? Yes  No  When \_\_\_\_\_  
Yes (13) No (6) When: 2000 (1) 2001 (5) 2002 (1) 2003 (3) 2005 (1)

Will the adoption of the IRC affect the types of plans and specifications that you currently accept from interior designers? Yes  No   
Yes (0) No (13) Unknown (1)

If Yes, please specify.

Is your jurisdiction planning to adopt the IBC? Yes  No  When \_\_\_\_\_  
Yes (11) No (6) When: 2000 (1) 2001 (4) 2003 (3) 2005 (1)

Will the adoption of the IBC affect the types of plans and specifications that you currently accept from interior designers? Yes  No   
Yes (0) No (13) Unknown (1)

If Yes, please specify.

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**Appendix B -  
Building  
Officials'  
Statements  
Regarding  
Regulation of  
Interior  
Designers**

*Becky Baker, Building Official  
County of Jefferson*

As a practicing building official active in local and national affairs of the International Conference of Building Officials, it is my opinion that the International Codes do not affect the practice of Interior Designers.

The International Building Code defines a REGISTERED DESIGN PROFESSIONAL as "an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed." This language was recently upheld at the code hearings April 9 - 20, 2000.

Previously the 1997 Uniform Building Code specifically mentioned architects and engineers, whereas the new language is much broader and is not intended to be exclusionary. In addition, the new language specifically references state law, which has precedence. If a problem exists, it is suggested that it is in statutes governing the practice of architecture - - specifically the exemptions to when an architect is required.

Having listened to the debate, particularly in St. Louis, it is interesting that both 'sides' are concerned with the language. Interior Designers now argue that without new state regulation, their practice will be excluded or limited. At the recent code hearings in Birmingham, architects tried to change the language contending the wording is too vague which may allow work to be performed by less qualified persons. Regardless, it is my opinion building officials are familiar with the laws of the State of Colorado and generally view the language as not altering from current practices.

In conclusion, I believe additional regulation is not necessary.

Please feel free to contact me if I can be of further assistance.

Thomas Meyers, Plans Analyst  
City of Broomfield Building Department

This E-mail is intended to follow up our telephone conversation from this morning. This is my understanding of the implications of "registered design professional" in the 2000 International Residential Code.

Section R101.2 limits the scope of this code to "detached one and two family residential dwellings and multiple single family dwellings (townhomes) not more than 3 stories in height with a separate means of egress and their accessory structures.

Section R106.1 states, "The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is being constructed". In my opinion, CRS 12-4-112 **Exemptions** would preclude me from requiring sealed plans for "one, two, three, and four family dwellings, including accessory buildings commonly associated with such dwellings". Therefore, no registered design professional seal would be required for normal construction document submittal under the limited scope of the IRC.

Section R403.1.8 states, "foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1805.8 of the International Building Code". The City of Broomfield will amend this section to require a Colorado registered professional engineer to design and perform special inspections on foundations subject to expansive soils. We currently amend the Uniform Building Code similarly.

In addition to my duties as Secretary for the Colorado Chapter or the International Conference of Building Officials, I am the current chairman of the International Residential Code code change and development committee. I have attended every IRC code change hearing since the Public Comment Forum held in Kansas City in July of 1998. Based on the testimony I have heard, I believe that the membership's intent is not to supercede state or local licensing regulations in any way. I believe that the current definition of "registered design professional" is intended to allow states to broaden which professionals they consider competent to do specific types of design. I do not believe that the IRC provisions are intended to restrict the practice of any specific group of individuals, not currently regulated (or exempted) under state statutes.

I hope that this helps clarify your understanding. If I can be of any assistance, feel free to contact me.









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**Appendix C -  
Colorado  
Municipal  
League  
Statement**

*Carolynne C. White, Staff Attorney  
Colorado Municipal League*

In response to your request, I am not aware of any municipality in which the lack of registration for interior designers would create a problem in submitting drawings.

I have been involved in the effort related to municipal support of the new uniform building codes, and our Executive Board has adopted a resolution recommending adoption of the uniform code.

Although the uniform code contains the language requiring that drawings must be submitted by a "registered design professional," it also contains the language "where required by the statutes of the jurisdiction."

Thus, in order for there to be some problem in submission by an interior designer of drawings to a local government, the local government would have to have adopted not only the uniform code, but also some additional requirement related to registration. I am unaware of any plan by any municipality to do so. Therefore I believe that the risk, if any, is extremely small.

Please let me know if I can be of further assistance.

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**Appendix D -  
California  
Council for  
Interior Design  
Certification  
Complaint Log**

WASHINGTON STATE DEPARTMENT OF LICENSING

# Sunrise Review of Interior Designers

Report to:  
House Committee on Commerce and Labor



December 2005

[www.dol.wa.gov](http://www.dol.wa.gov)

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## APPENDIX

- A. Definitions of Licensure, Certification, Registration
- B. Request Letter to the Director
- C. Memorandum – AIA Washington Council
- D. International Interior Design Association – IIDA Letter
- E. NBBJ Letter to Commerce and Trade Committee on January 27, 2004
- F. NBBJ Letter to Commerce and Trade Committee on February 15, 2005
- G. NBBJ Letter to Walt Fahrner (DOL) on November 3, 2005
- H. Callison Architecture, Inc. Letter of February 15, 2005
- I. Architects & Engineers Legislative Council Letter of November 1, 2005

## THE SUNRISE REVIEW

The Sunrise review process of Interior Designers was initiated by a written request from the chair of the House Commerce and Labor Committee to the director of the Department of Licensing. A thorough analysis of the issues was carried out according to the guidelines and criteria set forth in RCW.18.118.

Department of Licensing's Management Analyst Unit conducted the Sunrise Review between October and December 2005. Staff sought out issues that would indicate the need for regulation by surveying state consumer protection divisions, the Better Business Bureau, other state regulatory agencies, societies who certify or write about the industry, and professionals in the industry.

### RCW 18.118

It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All proposals introduced in the legislature to regulate a business profession for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

- a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;
- b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
- c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

### RCW 18.118.005

The Department of Licensing, Policy and Research is responsible for conducting impartial analytical reviews of proposals for regulations of profession not currently regulated.

## EXECUTIVE SUMMARY

Proponents of regulation claim consumer and public protection as rationale for regulation. Interior Designers favor regulation as a means of gaining parity as professionals with their colleagues. It is believed regulation will help assure public identification of Professional Interior Designers.

During the Sunrise Review process case histories of harm were presented to show regulation would be in the best interest of the public. In review of the National Council of Interior Design Qualifications (NCIDQ) cases of harm report the overwhelming majority of cases filed were for practicing without a license. These cases may hurt the industry but did not appear to harm the public.

Materials used and interior structural choices have impact on the way a fire may behave. In Washington State builders are required to get a building permit, submit plans and specifications reviewed for compliance and are either approved, require correction or are denied. Even so, Washington State still has structures built with less restrictive codes that were in place at the time of construction. Research did not find a fire with loss of life in Washington State that was due to code violation.

In some states choice of materials used or interior structural choices may be made by someone not professionally qualified. Codes have not been adopted in all states. A process to enforce code may not be in place. Structure may be old and built before codes were adopted. Potential public harm exists when a structure catches fire and there was no process to review plans through code requirements.

In view of the findings of the identified in sunrise review, the Department of Licensing recommends that no state licensing be required for interior designers at this time because:

- a) there is a lack of evidence the consumer is being harmed;
- b) the public can be reasonably assured of initial and continuing professional ability; and
- c) the public can effectively be protected by current statutes and codes.

## BACKGROUND

### Definition

According to the U.S. Department of Labor, Bureau of Labor Statistics, Interior designers enhance the function, safety, and quality of interior spaces of private homes, public buildings, and business or institutional facilities. (such as hospitals, theaters, hotels, restaurants, offices, retail establishments) Interior designers prepare drawings and specifications for non-load-bearing interior construction, furnishings, lighting, and finishes. They also design lighting and architectural details, coordinate colors, and select furniture, floor coverings, and window treatments. Interior designers must design space to conform to Federal, State, and local laws, including building codes. Designs for public areas must also meet accessibility standards for the disabled and the elderly. (U.S. Department of Labor Bureau of Labor Statistics)

Commercial interior design contracts would include projects for healthcare, government, offices, hospitality, retail, or entertainment facilities. Residential projects would include the renovation or new construction of private homes. Some designers specialize in either residential or commercial projects but there are also many who do both. In addition, there are designers who specialize in specific types of interior design (for example, kitchen design)

### Number of Professional Interior Designers

- The U.S. Department of Labor, Bureau of Labor Statistics reports there are roughly 60,000 interior designers employed nationwide (U.S. Department of Labor Bureau of Labor Statistics).
- More than 14,000 interior designers have passed the NCIDQ examination.

- During the second quarter of 2004, the Washington State Employment Security Department projected 1,547 interior designers employed in Washington State. (Workforce Explorer)
- The Interior Design Coalition of Washington puts the estimated number of interior design professionals in Washington State at 850, with more than 60% who are members of professional interior design organizations. (IDCWashington)

The Washington State Department of Revenue has 2240 active businesses coded with NAICS code of 541410 for Interior Design. (It is our belief that the businesses under this code employ interior designers and/or interior decorators)

### Education

The American Society of Interior Designers estimate that 72 percent of interior designers have two or more years of higher education, 46 percent have a four-year degree, 12 percent hold an advanced degree.

Washington State higher education institutions with Interior Design programs include the following: (Workforce Explorer Washington)

Higher Education Institute	Degree(s) Offered
Art Institute Of Seattle	Sum of all types
Clover Park Technical College	Associate's Degree
Highline Community College	Associate's Degree
Bellevue Community College	Associate's Degree
Spokane Falls Community College	Postsec. Awards/Cert./Diplomas; 1-2 yrs.
Spokane Falls Community College	Associate's Degree
Washington State University - Spokane	Bachelor's Degree
Washington State University - Spokane	Master's Degree
Art Institute Of Seattle	Postsec. Awards/Cert./Diplomas; 1-2 yrs.

### Private Credentials

There are two national nonprofit organizations that give examinations allowing Interior Designers to become voluntarily certified in their profession. The qualifying standards for both examinations include requirements of knowledge through education and experience. The examination administered by National Council of Residential Design Qualifications (NCIDQ) is used by states that currently regulate Interior Designers. California, Illinois, and Wisconsin also use the examination administered by The Council for Qualification of Residential Interior Designers (CQRID).

**CQRID**—*The Council for Qualifications of Residential Interior Designers*

The Council for Qualifications of Residential Interior Designers (CQRID), require that applicants provide documentation which shows they hold or have met one of the following education and experience requirements:

- A four or five-year degree in interior design or design-related field, plus two years of practical interior design experience.
  - A three-year degree in interior design or design-related field, plus three years of practical interior design experience.
  - A two-year degree in interior design or design-related field, plus four years of practical interior design experience.
  - A high school diploma or GED, plus eight years of practical interior design experience.
- In addition, applicants could have other equivalent credentials reviewed through a special Board review.

Successful completion of the CQRID examination meets the examination requirements in three states that regulate the interior design profession (California, Illinois, and Wisconsin).

**NCIDQ** – *National Council of Interior Design Qualifications* –

The National Council of Interior Design Qualifications (NCIDQ), require that applicant provide documentation which shows they hold or have met one of the following education and experience requirements:

- 3520 hours of applicable experience is required when the applicant has completed a program leading to a Baccalaureate degree. Completion means not fewer than 120 semester or 180 quarter credit hours, with sixty semester or 90 quarter hours in interior design-related courses.
- 5,280 hours of applicable experience is required when the applicant has completed a program leading to a certificate, degree or diploma with no less than 60 semester or 90 quarter credit hours in interior design related coursework.
- 7,040 hours of experience is required when the applicant has completed a program leading to a certificate, degree or diploma and no less than 40 semester or 60 quarter credit hours of interior design related coursework.

Successful completion of the NCIDQ examination is a precondition for professional registration and licensure in 20 of the 24 states that regulate the interior design profession. Three states include the NCIDQ examination as one of the optional examination requirements. The state of California also requires applicants to pass a state administered examination.

## INTERIOR DESIGN ASSOCIATIONS

### IDCWashington--*Interior Design Coalition of Washington*

The Interior Design Coalition of Washington is a group of design professionals representing the American Society of Interior Designers, International Interior Design Association, Northwest Society of Interior Design, and independent designers across Washington State. IDCW is a unified voice that seeks to recognize the interior design profession and to protect the health, safety and welfare of the public.

In October 2005, Interior Design Coalition members of Washington met with the Department of Licensing staff to provide a review of their profession. Presented below are some of the points taken from that meeting:

- Members clarified the need for a mental shift from what most people think an interior designer is.
- Consumers need to be educated to distinguish between a professional Interior designer and one who does not meet the minimum standards.
- Members want title registration requirements in Washington State to establish enforceable standards of minimum competency, including education, experience, and examination.
- According to the interior design coalition, the national council for interior design qualifications continues to raise the standards for interior design.
- The NCIDQ Interior Design Experience Program (IDEP) closely tracks professional experience to promote the experience part of professional qualifications.
- Members pointed out Interior Designers are different from an interior decorator, kitchen and bath designers, and architects.
- According to the coalition members, Interior Designers collaborate with architects, engineers, and contractors, yet are the only profession in the grouping not registered by the state.

### IIDA—*International Interior Design Association* –

The International Interior Design Association is a professional networking and educational association of more than 10,000 members in eight specialty forums, nine regions, and more than thirty chapters around the world.

### ASID—*American Society of Interior Designers* –

As the oldest professional interior design association, the American Society of Interior Designers has 20,000 practicing interior designers. Four thousand members practice mainly as residential designers, and 9,500 work in both commercial and residential design. To become a professional member of ASID, interior designers must meet rigorous standards that include accredited design education and/or full-time work experience, and pass the National Council for Interior Design Qualification (NCIDQ).

The Washington State ASID Internet site contains a link that allows the public to find a qualified Interior Designer and their specialty. (ASID Referral)

**NWSID**—Northwest Society of Interior Design)

All members of this association are required to adhere to the Code of Ethics. Professional, Associate and Apprentice members are required to complete annual continuing education units.

The different levels of membership for this association include:

*Professional Designer Members*—A currently active member may become *Professional Member* upon successful passage of the NCIDQ, CQRID or equivalent as required by the state in which the member resides and upon meeting one of the following:

- four years of college in an accredited interior design program, with no less than two years experience;
- two years of college, or technical school in an accredited interior design program, with no less than four years experience; or
- a secondary school level education, with no less than eight years experience.

*Associate Designer Member*—New applicants or qualifying *Apprentice Members* may become *Associate Designer Members* upon completing one of the following:

- Four or five years of college in an accredited interior design program with two years of design work oriented experience;
- two years of college or technical school in an accredited interior design program with four years of design work oriented experience; or
- a secondary school level education and has been actively engaged in the field of interior design for not less that the last 8 years.

*Apprentice Member*—A member who completed 4 years of college in an accredited interior design program, or 2 years of college or technical school in an accredited interior design program, and is working toward their work experience equivalency.

*Student Member*—A member enrolled in an accredited interior design school, college, or technical school program in interior design.

**IIDA-northernpacific**—International Interior Design Association - Northern Pacific Chapter

The International Interior Design Association (IIDA) is a worldwide association with 11,000 members who are interior designers, industry partners and students of interior design. The association upholds educational standards.

- Professional members—have fulfilled IIDA requirements for education, examination, and experience
- Associate members—have completed the educational requirements but has not taken the NCIDQ examination.
- Affiliate members—are actively engaged in a field directly related to the interior design industry.
- Student members
- Industry representatives and individuals

Professional members are required to pass the National Council of Interior Design Qualification examination (NCIDQ). Continuing education opportunities in interior design and business practice for interior designers are available at the regional and local levels and through home study. Professional and Associate Members are required to complete continuing units every two years (this requirement applies to only those who became Professional and Associate Members before January 1, 1998). In addition, the IIDA has launched an international advertising campaign that focuses on public awareness of IIDA and the importance of interior design.

## RELATED INDUSTRIES

### AIA/WA—*The American Institute of Architects (-Washington Council*

The American Institute of Architects is an advocacy group who represents the professional interests of architects. Their membership includes over 74,000 licensed architects, emerging professionals, and allied partners.

### AELC—*Architect and Engineers Legislative Council*

The Architects & Engineers Legislative Council (AELC) is comprised of association and/or organizations of architects and architectural firms, engineers and engineering firms in Washington State who work cooperatively on legislative objectives and issues. The association and/or organizations include: American Council of Engineering Companies of Washington; American Institute of Architects/Washington Council; American Society of Civil Engineers; American Society of Landscape Architects; Institute of Electrical and Electronic Engineers; Land Surveyors of Washington; Structural Engineers of Washington; the Washington Society of Professional Engineers.

## COMMENTS RECEIVED FROM THE ASSOCIATIONS

### *The International Interior Design Association (IIDA)*

Below is a summary of excerpts taken from correspondence sent to the Department of Licensing by the International Interior Design Association. (IIDA letter to Walt Fahrer, Nov. 15, 2005)

The International Interior Design Association (IIDA) supports the title Act the legislation for Interior Designers because they believe it "...safeguards the health, safety and welfare of the general public, brings uniformity to the profession, defines responsibility, and encourages excellence in the interior design industry."

### *American Institute of Architects, Washington Council (AIA/WA)*

Below are excerpts from correspondence received by the American Institute of Architects, Washington Council.

The AIA/WA supports the desire to increase the professionalism in the interior designer profession; and would not object to a "properly structured title-only registration law." However, they also believe the threat to public health, safety and welfare to be relatively small and view registration as the least restrictive form of regulation. In addition the AIA/WA supports established industry standards that includes a four-year professional baccalaureate degree, completion of an internship program, and passage of the complete NCIDQ examination.

The AIA/WA is concerned about the language in the interior design legislation introduced in 2005 (SHB 1878) for the following reasons.

- The AIA/WA opposes a liberal grandfather provision because they believe there should be strict limitations on any person not meeting the primary qualifications of education, experience and examination. However, the AIA supports an alternative path that requires 15 years of professional experience, including 8 years under the direct supervision of a qualified interior designer or registered architect, an Associate of Arts Degree and passage of the complete NCIDQ exam.
- The interior design regulation would expand the currently authorized scope of practice for interior designers by including the phrase "registered design professional." This phrase is included in the state's building code and RCW and WAC to describe the professional responsible for approving engineering and architectural construction documents and for conducting structural observation.
- The bill fails to recognize the more extensive education, experience and examination of registered architects in the same subject matters. It would require registered architects to get two additional years of education in interior design and pass another examination, even though they already provide interior design services, oversee interior designers work and train interior designers.
- Comment is in regards to language in SHB 1878—The AIS/WA would not object to a title-only registration law, provided it is properly structured, does not expand the currently legal scope of practice of interior designers, and the prerequisite qualifications meet widely accepted industry standards and such qualifications are stringent enough to ensure proper protection of the public.

Architectural firms are the top employer for interior designers and want to have highly qualified and professional staff filling these positions. Firms rely on three main criteria when selecting interior design staff: education, professional experience and (NCIDQ) examination. They are concerned about regulation that would weaken qualification standard.

*Architects & Engineers Legislative Council (AELC)*

Architects and Engineers Legislative Council—Excerpt taken from the letter from Clifford A. Webster, (Nov. 2005):

AELC supports efforts to raise the level of professionalism in the design professions. However, the following are specific concerns relating to recent legislative proposals to license Interior designers:

1. State mandated licensing should be enacted only when the lack of regulation of an industry or profession clearly poses a threat to the public health and safety. AELC has not seen evidence of a clearly demonstrated threat to the public health and safety from the unregulated practice of interior design.
2. Such requirements would weaken standards for determining professional qualifications by expanding interior designers' scope of practice into areas of architecture and engineering.
3. By defining interior designers as "registered design professionals" they would be allowed to coordinate, approve and present architectural and engineering documents to building officials for code approval. Fragmentation of responsibility for the building design endangers and misleads the public about respective areas of competence and expertise.

### **COMMENTS RECEIVED FROM PRIVATE FIRMS**

**NBBJ**—Architectural and Interior Design firm with offices in Seattle, California, Ohio, New York, London, the United Kingdom, and Beijing.

Excerpts taken from letter received from Scott W. Wyatt, Managing Partner:

NBBJ strongly supports interior design title registration in Washington State.

The 72 interior designers who are employed with their firm work with architects, engineers and contractors on various commercial and residential projects (including high-rise office building, airports, hotels, hospitals, nursing homes).

- NBBJ believes there are critical differences between the educated, trained and certified interior designers and others practicing in the field lacking the qualifications and experience to protect the public safety and welfare.
- Completion of a qualified education in interior design, the experience of mentoring under qualified professionals, and passage of the NCIDQ exam ensures that a design professional has minimum understanding and knowledge of building and fire codes, accessibility, and barrier-free design.

(Note: The NBBJ letter included signatures from 18 interior designers who support title registration in the state.)

## **Callison Architecture**

Excerpt taken from letter to Representative Conway, February 2005:

"Callison Architecture strongly supports the title act for Interior designers because it is vital to their industry to qualify interior designers by education, experience and examination. The results will be a higher level of assurance of the consumer/public health safety and welfare."

## **REGULATION IN OTHER STATES**

According to research conducted by the American Institute of Architects, (November 2004), over 18,000 Interior Designers are regulated nationwide. The 24 jurisdictions that currently regulate the Interior Design profession are:

Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Puerto Rico, Tennessee, Texas, Virginia, Washington D.C. Wisconsin. (The state of Iowa passed title only regulatory requirements in 2005)

## **SURVEY OF STATES REGULATORY AGENCIES**

The following jurisdictions were sent surveys seeking information about current regulations, number and type of complaints, and the public benefits of regulation:

Florida, Georgia, Maine, Maryland, Michigan, Minnesota, Nevada, New Mexico, Puerto Rico, Tennessee, Texas, Virginia, and Wisconsin.

The states that responded include California, Florida, Maine, Maryland, Minnesota, Nevada and Virginia.

Of the seven who responded, Maine, Maryland, and Virginia, reported they had not received complaints in the last year. Minnesota receives an average of 3-5 complaints a year regarding interior designers who are practicing without a certificate, or practicing architecture without a license. Nevada received six complaints in the last year against unregistered individuals who held themselves out as a registered interior designer. California receives over 50 complaint regarding overcharging, non-delivery of services and incompetence—mostly against unregistered interior designers. Florida receive roughly 140 complaints a year that range from negligence, misconduct, offering services beyond the scope of licensure, and operating a business without a certificate of authorization. Florida reports that some of the unlicensed activity has resulted in great financial harm to the public.

## SURVEY OF STATES CONSUMER PROTECTION DIVISION

Consumer protection agencies, in the 24 following jurisdictions, were sent a survey seeking information about current regulations, number and type of complaints, and the benefits of regulation to public:

Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Michigan, Montana, New Jersey, New Mexico, Mississippi, Oklahoma, Oregon, Pennsylvania, Washington, West Virginia, Wyoming

The survey requested information on the average number of complaints received in a year, the nature of the complaint received, and whether the complaint was from the public, a corporation, or a government entity.

Of the seven states that responded to the survey, six identified that they have either received no complaints or have not risen to the level to track. New Mexico Attorney General's Office, Consumer Protection Division, reported that approximately two to three complaints a year regarding service or overcharges

The Washington State Attorney General Office, Consumer Protection Division responded that they have not received any complaints regarding interior designers.

## SITUATIONS THAT MAY INVOLVE INTERIOR DESIGNERS

*Cases of Harm Report*, National Council for Interior Design Qualifications, Inc. (NCIDQ), October 2005

In early 2005, NCIDQ requested that its Member Boards send copies of documents related to cases in their jurisdiction where interior designers had been sanctioned or disciplined. NCIDQ specifically asked for cases that involved unlicensed practice or interior design practice beyond the scope and competency of regulated practices. Eleven cases were filed nationwide. The states involved included: Nevada (4 cases); Florida (5 cases); Minnesota (2 cases). Except for one case in Minnesota and one case in Florida, all cases filed were for "unlicensed practice".

In Minnesota, one case filed was for an attempt to secure a contract by giving something of large value as an inducement to secure employment.

In Florida, one case was filed for making deceptive, untrue, or fraudulent representations in provisions of Interior Design and Architectural Services.

**National Institute of Standards and Technology** (formerly National Bureau of Standards) estimates there are 12,000 fire-related deaths yearly in the United States and show:

- The first 5 to 10 minutes of a fire are the most critical.
- The first materials ignited can either contribute to the growth of the fire or prevent its spread to other areas of the building.

## **NFPA—National Fire Protection Association**

The NFPA Fire Investigations Department documents some of the most significant fires and incidents throughout the world. The objective of these investigations and the subsequent reports that are prepared, are to discover lessons learned from these incidents.

This information is made available to the fire safety community for use in developing future codes and standards, and to adjust fire ground operations.

The NFPA research into Campus and Student Fire Safety determined several factors causing fire.

- A lack of automatic fire sprinkler systems
- Missing or disabled smoke alarms
- Careless disposal of smoking materials
- Alcohol consumption

The NFPA research into fire safety in “assembly occupancies”, defined as “an occupancy used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses”.

NFPA publishes a number of codes and standards that work in harmony to prevent the type of life-loss fires that can occur in “assembly occupancies”.

The following elements provide an outline of the most basic requirements and criteria as found in NFPA 101 “Life Safety Code, 2000 edition that impact fires. The order in which they are presented is indicative of how they lessen a life threatening condition.

- Ignition Sources—Alcohol, pyrotechnics, open flame and cooking facilities.
- Furnishings & contents—to slow the flame spread across surfaces
- On site fire protection—fire alarm systems, automatic sprinkler systems, portable fire extinguishers.
- Exiting—occupational load, number & arrangement of exits, exit signs, emergency lighting, and posting maximum occupant load.

## **CONCLUSION**

Whether the public is being harmed by non-regulation of interior designers is the primary concern that guided this sunrise review.

Presently, the Interior Design industry provides a good process for credentialing that includes examination, education, and experience requirements. Current evidence does not suggest the public is being harmed by non-regulation.

Washington State has strict code requirements, a plan review that provides checks and balances and a process for approval or denial. None of the incidents of fire reported were in Washington State.

Fires in other states are significant because a process to review plans and specifications did not occur or the structure was built without state code requirements. In some cases codes were not in place at the time of construction.

Based on our research, review of information gathered and criteria of law used to show public harm and the depth harm occurs, evidence was lacking.

## RECOMMENDATION

In view of the findings of the sunrise review in the practice of interior designers, the following recommendations are made for consideration by the Legislature:

- a) That no state licensing of interior designers be required at this time since there was no clear evidence that the unregulated practice can clearly harm or endanger the health, safety, or welfare of the citizens of the state.
- b) The public can reasonably expect that an interior designer is a competent practitioner through certification, testing, and experience as required by professional associates.
- c) The public can be reasonably protected by mechanisms currently in place such as the Attorney General's Office, Business and Fair Practices Division.

## Definitions

**Licensure:** "license", "licensing", and "Licensure" mean permission to engage in a business profession that would otherwise be unlawful in the state in the absence of the permission. A license is granted to those who meet prerequisite qualifications to perform prescribed professional tasks and for the use of a particular title.

**Certification:** "Certificate" and "Certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who has 1) met certain prerequisite qualifications specified by that regulatory entity, and 2) may assume to use "certified" in the title or designation to perform prescribed professional tasks.

**Registration:** "Registration" means the formal notification that, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature, and operation of the business activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

STATE REPRESENTATIVE  
20th DISTRICT  
STEVE CONWAY

State of  
Washington  
House of  
Representatives

COMMERCE & LABOR  
CHAIR  
FINANCE  
HEALTH CARE



Liz Luce  
Director, Department of Licensing  
P.O. Box 9020  
Olympia, Washington 98507-9020

Dear Director Luce:

Please consider this request on behalf of the House Commerce & Labor Committee to conduct a sunrise review pursuant to chapter 18.118 RCW of following two professions recently proposed for regulation in bills pending before the Legislature:

House Bill 1811, establishing licensing requirements for soil scientists.

Substitute House Bill 1878, establishing a system of registration for interior designers.

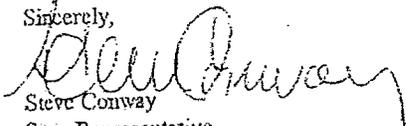
As provided in RCW 18.118.030, the sunrise review should include an evaluation of information provided by a wide range of interested parties. It is extremely important that notice of this review and the opportunity for providing information be widely disseminated among the appropriate stakeholders.

The sunrise review should also include the Department's analysis and recommendations regarding value of regulation to protect the public interest, using the factors stated in RCW 18.118.010(2).

It is my hope that your written report on these two sunrise reviews would be available to the Legislature by the start of the Legislative Session in January 2006.

Thank you for your attention to this matter.

Sincerely,

  
Steve Conway  
State Representative  
Chair, House Commerce & Labor Committee

cc: Sharon Whitehead  
Andrea Archer  
Alan Haight

# MEMORANDUM

## AIA Washington Council



**To:** Ramona Provost  
Management Analyst Unit, Department of Licensing

**From:** Stan L. Bowman, Executive Director, AIA Washington Council  
(360) 970-7513, bowman@aiawa.org

**Date:** November 17, 2005

**Re:** Architects Analysis and Comments on Proposed Interior Design Regulation

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The American Institute of Architects Washington Council supports the Department of Licensing's review of recent legislation seeking to enact new restrictions on the interior design market in Washington State. AIA supports the state law (18.118 RCW) that requires any new profession or industry seeking new government restrictions first submits a detailed request to the Department documenting the need for such regulation. The state's sunrise review law provides an important impartial review of the need and extent of new regulations.

The following comments are based on a careful review of the latest version of interior design legislation (Substitute House Bill 1878) and the sunrise review statute. It is our hope that future legislation will fully address the concerns the AIA/WA has expressed over the last two years.

### Executive Summary

First, and foremost, the AIA Washington Council supports the desire and need to increase the level of professionalism in the interior design profession. The AIA/WA would not object to a properly structured title-only registration law. However, our support for increasing the qualification standards in the industry must be tempered by the statutory requirement that state regulation be enacted only if the "Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument" (18.118.010(2)(a) RCW). Since the threat to public health, safety and welfare is relatively small, we view registration as the least restrictive form of regulation.

Second, the AIA/WA encourages the Department to carefully review the government reports and recent court cases documenting the issue of whether there is a serious and specific threat to public health and safety. These reviews can provide an objective source of information on this topic.

Third, if the Department determines that regulation of the interior design profession is necessary, then it should recommend the least restrictive form possible: title-only registration.

Fourth, the AIA/WA supports the industry standards that have been established to determine professional qualifications for interior design professionals: a four-year professional baccalaureate degree, completion of an internship program and passage of the complete NCIDQ examination.

Fifth, the AIA/WA opposes liberal grandfathering provisions, such as those included in SHB 1878. There should be strict limitations on any person not meeting the primary qualifications of education, experience and examination. The AIA/WA supports an alternative path that requires 15 years of professional experience, including 8 years under the direct supervision of a qualified interior designer or registered architect, an Associate of Arts Degree and passage of the complete NCIDQ exam.

Sixth, the AIA/WA is concerned that the interior design regulation bill as introduced in 2005, SHB 1878, would expand the currently authorized scope of practice for interior designers by including the phrase "registered design professional." This phrase is included in the state's building code and RCW and WAC to describe the professional responsible for approving engineering and architectural construction documents and for conducting structural observations.

Finally, the bill fails to recognize the more extensive education, experience and examination of registered architects in the same subject matters. It would require registered architects to get two additional years of education in interior design and pass another examination, even though they already provide interior design services, oversee interior designers work and train interior designers.

### **Demonstrated Public Health, Life and Safety Need**

As stated, the AIA/WA supports the desire of the interior design profession to elevate its professional standards and ethics by increasing industry qualification standards. It is appropriate that the Department conduct an objective and thorough review to determine if there are specific and tangible threats to the public health, safety and welfare from the unregulated practice of interior design.

The AIA/WA encourages the Department to obtain and review the many sunset and sunrise review reports conducted by other states. Some states that have conducted such reviews of the need for interior design licensure are: Colorado, Maryland, California, South Carolina and Florida. Each of these states established similar criteria to be demonstrated prior to a new registration law being enacted or a current law being extended. The Colorado Department of Regulatory Affairs' report is particularly thorough, as they reviewed all of the states' interior design laws for evidence that such regulation might benefit the public. Its report merits careful review.

### **If Regulation is Needed, Title-Only Registration is the Appropriate Level**

If there is a specific threat to public health, life and property found, the next issue to be addressed (according to the sunrise review law) is what level of regulation is necessary. The AIA/WA supports the intent of the statute that the "least restrictive alternative method of regulation should be implemented." (18.118.010(3) RCW)

The sunrise law indicates that the least restrictive form of regulation is registration:

"Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration..." (18.118.010(2)(c) RCW)

Registration is also referred to as a "title-only act" in which a certain title is restricted to only those who have the "prerequisite qualifications."

In their public statements before the legislature, the interior design representatives have stated that their purpose is to differentiate persons who have met certain qualifications from those who have lesser qualifications. A registration law that only restricts a title, such as "Registered Interior Designer," would accomplish this result.

The AIA/WA would not object to a title-only registration law, provided it is properly structured, does not expand the currently legal scope of practice of interior designers, and the prerequisite qualifications meet widely accepted industry standards and such qualifications are stringent enough to ensure proper protection of the public.

There are other levels of regulation in the law that may also be considered including licensure. Given the doubts raised by many other states about the public health, life and safety need for state regulation of the interior design profession, it would not be appropriate to apply licensure restrictions on interior designers.

Under no circumstance, does the AIA/WA believe that licensure or practice restrictions, as defined in 18.118 RCW, are merited by demonstrated public needs. The volume of government reports and legal cases conclusively demonstrate that there is little public health concern and imposing such restrictive requirements could harm the industry and the public.

### **Industry-Based Qualification Standards**

Architecture firms are the top employer for interior designers and our firms want to have highly qualified and professional staff filling these positions. To find such staff firms rely upon three main criteria: education, professional experience and examination.

When hiring professional interior designers, firms typically look for: a four-year (baccalaureate) degree from an accredited institution, completion of a structure internship and passage of the National Council for Interior Design Qualification Standards' examination.

We are concerned that the weak standards established in SHB 1878 would actually undermine current industry hiring and practice standards. The bill seeks to establish a system to differentiate qualifications. But, by adopting weak qualifications standards and using permissive grandfathering provisions, it would allow many unqualified persons to claim the same qualifications as those who are more rigorously trained.

### *Education*

The generally accepted minimum standard for interior design education is a four-year baccalaureate degree from an accredited institution. There are two accrediting bodies that have specific standards for such degrees: the Foundation for Interior Design Education and Research (FIDER) and the National Association of Schools of Arts and Design (NASAD). The AIA has reviewed the standards of both of these bodies and have found their four-year degree programs provide effective education for professional interior designers.

However, it must be recognized that these organizations have in the past accredited or currently do accredit lesser degree programs (including 2 and 3 year degree programs). These lesser programs are

not adequate preparation for a professional interior designer and should not be considered for a standard under a government regulatory structure.

Third party accreditation of degree programs in a specific field provides important peer review of a school's curriculum and education standards. General accreditation of the college or university does not provide a content-specific review. Field-specific accreditation ensures that the content of the education program is adequate, that it is being effectively taught and students are effectively evaluated. It is vital that when an accreditation system exists for an industry or profession, that the state support that system in its regulatory structure.

In Washington State there are two programs that meet this standard. Washington State University's interior design program is FIDER accredited. The Cornish School for the Arts interior design program is NASAD accredited. These programs, along with the system of supporting community college programs, should provide an adequate supply of qualified interior designers.

By comparison, there are two accredited architecture degree programs: University of Washington and Washington State University. There are over four times as many registered architects in Washington as there are practicing interior designers, according to the data supplied by the Department to the legislature. Thus, two baccalaureate degree programs for interior designers should be more than sufficient to provide an adequate supply of practitioners to the public.

Unfortunately the weak standards in SHB 1878 would undermine the significant achievements of WSU and Cornish's programs. SHB 1878 does not establish any degree requirement, instead requiring only 2 years of undefined education that does not have to result in a degree. WSU and Cornish's efforts at excellence should be encouraged and rewarded, not undermined by statutory enactment of much weaker standards.

If new government restrictions are to be enacted, the AIA/WA recommends that the minimum education standard be a four-year professional baccalaureate degree from a university or college program accredited by FIDER or NASAD or a degree that meets comparable standards.

### *Professional Experience*

After graduation from a four-year professional degree program, architecture firms look for interior designers who have completed a structured internship under the direct supervision of a qualified interior designer or a registered architect.

A qualified interior designer is typically seen as an interior designer that is registered under state law or certified by the NCIDQ. Since this state does not have registration, then it would initially need to rely upon training under NCIDQ certificate holders or under a registered architect. However, once a regulation system is established, there should be adequate availability of qualified interior designers and architects to provide such training.

NCIDQ had developed a structured internship program: the Interior Design Experience Program. According to NCIDQ website ([www.ncidq.org](http://www.ncidq.org)), "The program provides a structure for the essential transition between formal education and professional practice, recognizing the differences between classroom and workplace. The purpose of IDEP is to develop competency in interior design practice."

It is important that there be structure to at least part of the qualifying experience requirements in a registration law. A structured program is necessary to ensure that participants are being trained in critical areas of practice. General "experience" or simple use of a title, such as interior designer, absent a structured training program is not sufficient to ensure qualifications in a field.

The AIA/WA supports the IDEP as an appropriate training requirement for those interior designers seeking state registration.

### *Examination*

There are several national organizations that have examinations in the interior design industry. The one examination that architecture firms look for when hiring staff is passage of the one developed and offered by National Council for Interior Design Qualifications.

While this examination is used as a basis for hiring decisions, it should be noted that there are limitations to this examination as well. The exam provides a good review of non-life safety issues of interior design, but does not have an in depth coverage of critical public safety concerns. Thus, it cannot solely be relied upon for determining one's competence to protect the public from harm. It should be used only as part of a qualifications structure that requires adequate education, professional training and examination.

The exam only recently has been based on a task or practice analysis that confirms not only what types of tasks interior designers practice, but also each task's impact on public health, life and safety. NCIDQ reports that they completed their first practice analysis in 2003, with the 2004 exam being the first to be based on the results of their practice analysis.

There is no other interior design-specific examination that is comparable to the NCIDQ. There are other groups that offer exams in the industry, but their exams are wholly inadequate to ensure comprehensive professional qualifications.

It should also be noted that the National Council of Architecture Registration Boards' (NCARB) Architect Registration Examination (ARE) does cover critical health, life and safety issues related to interior elements of a building. There are many persons who have passed this exam that practice interior architecture and interior design. The ARE should be treated as equal to the NCIDQ exam for purposes of state regulation.

If new government restrictions are to be enacted, then the AIA/WA recommends that the minimum examination that applicants should be required to pass is the 2004 version of the NCIDQ exam or the NCARB ARE exam.

### **Grandfathering**

A critical flaw of SHB 1878 is that it allows persons to become registered through a permissive grandfathering clause that circumvents the necessary education, experience and examination standards.

AIA/WA does recognize that not every person will follow a traditional path to becoming a qualified interior design professional. Therefore, for a limited time frame, it may be appropriate to allow persons to become registered who have not completed a formal education program. Such persons, however,

must demonstrate extensive training under the supervision of a qualified interior designer or a registered architect.

SHB 1878 allows a person to become licensed without examination, with 15 years of *undefined* experience in interior design and two-years of education at an *unaccredited* institution. There is not even a requirement that the two-years of education result in a formal degree or certificate. Thus any person, no matter their level of demonstrated competence, could become registered under this bill provided they have used the title interior designer for 15 years. This is not an adequate standard for determining professional competence.

The AIA/WA does support the inclusion of an alternative pathway to taking the examination, including the bill's requirements of 15 years experience in professional interior design and two years of formal interior design education. To ensure the quality of training is demonstrated, at least of 8 years of that training should under the supervision of a qualified interior designer or a registered architect. The 8 years would be roughly equal to the time a person would spend in traditional education and training program.

Moreover, applicants should be made to demonstrate that their experience has been in a comprehensive interior design practice meeting the subjects covered in an accredited interior design degree program and in the NCIDQ examination.

Finally, there should be a minimum standard of two years of formal education resulting in an Associate of Arts degree.

Undefined experience and education requirements simply provide no protection to the public.

What cannot be avoided, however, to ensure public protection, is need for applicants to pass the complete NCIDQ examination or the NCARB Architect Registration Exam. Any applicant for interior design registration must be required to pass the entire exam.

It must be cautioned that passage of the exam alone, without formal education or adequate structured experience is not adequate to ensure an applicant's professional qualifications.

### **Scope of Practice Definitions**

The AIA/WA is concerned that recent legislation has included many practice act provisions. Especially concerning are the provisions that would expand the currently authorized scope of practice for interior designers.

SHB 1878 includes a problematic definition of registered interior designer that would greatly expand their scope of practice into area in which they are not qualified. The definition reads:

"Registered interior designer" means a person registered under this chapter who is a registered design professional qualified by education, experience, and examination. Sec. 2(2)

This definition would expand the currently authorized scope of practice for interior designers by including the phrase "registered design professional." This phrase is included in the state's building

code and RCW and WAC to describe the professional responsible for approving engineering and architectural construction documents and for conducting structural observations.

The AIA/WA supports simplifying this provision to read:

“Registered Interior designer” means a person registered under this chapter.

This is similar to the definition in the architecture statutes:

"Architect" means an individual who is registered under this chapter to practice architecture.  
18.08.320(2) RCW

The phrase “registered design professional” has a very specific use in the state’s statutes and regulations governing the design and construction process. It appears to have been included in an effort to expand the currently authorized scope of practice for interior designers.

For instance, the 2003 International Building Code Section 106.1 (the code adopted by Washington) requires "construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed."

In other words, a registered design professional is required to coordinate the engineering and architectural documents necessary to prove the complete safety of a building project and that the project meets the standards in the building codes. This is typically done by the prime professional on the project. Adding “registered design professional” to the interior design definition would allow “registered interior designers” to review and submit engineering and architectural documents. This is a task that requires skills and knowledge for which they are neither trained nor qualified.

51-50-1702 WAC includes the phrase when defining structural observation, “The visual observation of the structural system by a *registered design professional* for general conformance to the approved construction documents.” [Emphasis added.] Clearly, we would not want an interior designer to inadvertently claim that he or she should be doing structural observation.

Interior designers, even under the most restrictive qualification standards, are not trained nor qualified to provide such services to the public. These are areas of practice that are and should be exclusively reserved to registered architects and professional engineers. A title act should not expand any scope of practice beyond that which is allowed under the current statutory and regulatory structure.

Any legislation regulating the interior design profession should include language that specifically limits interior designers’ authority to submit construction documents to only those currently authorized in law. The bill should specifically prohibit them from coordinating and submitting documents currently required to be provided by registered architects or professional engineers. The AIA/WA proposes adding a clause to ensure there is no confusion caused by the passage of new legislation:

A registered interior designer shall not be considered a “registered design professional” as the term is used in the Revised Code of Washington, Washington Administrative Code, or State Building Code as adopted by the Washington State Building Code Council. A registered interior designer may only submit a document for building code approval if the project is exempt under 18.08.410 RCW.

## Other Issues to Consider

### *SHB 1878 Fails to Recognize Architects' Practice of Interior Design*

Another concern with SHB 1878 is that it fails to recognize the more extensive education, experience and examination of registered architects in the same subject matters. It would require registered architects to get two additional years of education in interior design and pass another examination, even though they already provide interior design services, oversee interior designers' work and train interior designers.

To become a registered architect one must have graduated with an accredited 5-year professional degree (7 years in some programs), completed a 4 to 6 year structured internship program (in which experience is tracked and documented) and passed the 41-hour Architect Registration Examination. The education, training and experience of registered architects cover all areas related to public health, safety and welfare in the practice of interior architecture and interior design. It does not make sense to require a person with such high qualifications to have additional education and pass an additional examination if they chose to use the protected title.

AIA/WA believes that licensed architects should be able to be registered by virtue of their much more rigorous licensing standards. Architects commonly provide interior design services, oversee interior designers in their practices, and train interior designers. For instance, NCIDQ requires training under a registered interior designer *or a registered* architect in their Interior Design Experience Program.

Other states that have enacted interior design restrictions allow architects to use the protected title by normally just paying the administrative fees associated with such registration. New York, for example, has such a provision in its interior design title registration law.

### *Ethics Clause*

The AIA/WA is concerned that previous bills, including SHB 1878, have had no provision requiring the adoption of a professional ethics clause or standards of professional conduct. The other regulated professions do have ethics clauses adopted. We encourage the department to review 308.12.330 RCW, the architects' "rules of professional practice" for issues that should be addressed.

One issue that should be specifically addressed is the practice of some interior designers accepting incentive payments from their suppliers or manufacturers for specifying certain products. This is more concerning because clients are often not aware that the designer has a pecuniary interest in the products being specified.

It should be understood that we are discussing independently practicing interior designers and not those that are directly employed by manufacturers or retail outlets. Sales commissions are appropriate for sales positions, but not for an independent professional specifying products. We are also not discussing discounts that are openly shared with and passed on to the client.

We believe that along with increasing qualification standards, the interior design profession should also ensure it has a high standard of professional conduct.

## Summary

In conclusion, the American Institute of Architects Washington Council supports the interior designers' efforts to elevate their professional standards. The AIA/WA would not be opposed to a properly structured and strictly limited title-only regulation.

Many states have also conducted formal sunrise or sunset reviews. These reports merit careful review and strong consideration by the Department as it prepares its report. The reviews can provide an objective source of information on this topic. The State of Colorado's sunrise review is recent and particularly thorough in its investigation of the potential threats to public health, safety and welfare from the unregulated practice of interior design.

If the state does determine to regulate the industry, then it should adopt stringent standards of qualifications and professional ethics.

The industry standards for qualifications are: a 4-year, professional baccalaureate degree from an accredited college or university, a structured internship under a qualified interior designer or a registered architect and passage of the NCIDQ Examination.

The liberal grandfathering clauses in other states have undermined the effectiveness of their regulatory efforts. The AIA/WA opposes the grandfathering of unqualified persons. At a minimum, persons that do not meet the primary qualifications for registration should have to demonstrate exacting professional experience under a qualified professional. No person should be registered without having passed the NCIDQ examination or the NCARB ARE.

Also, the bill language of SHB 1878, as last modified in 2005, is wholly inadequate to setting effective qualification standards. It would expand the currently authorized practice of interior design into area reserved solely for those with the rigorous education, training and testing of registered architects and professional engineers.

The AIA/WA is concerned with that the declining interior design registration numbers in other states is an indication of problems in their registration systems, especially the registration qualifications criteria. We would hope that Washington could avoid these pitfalls through careful scrutiny by the Department of Licensing into the reasons behind declining registration numbers

Along with higher qualifications standards, the state should also require higher standards of professional conduct. If the department recommends registration, it should recommend that a code of professional conduct be required.

Finally, the AIA/WA believes that any registration system should be sustainable if it is to be effective in protecting the public. It is important that the Department only recommend registration if we can avoid the problems exhibited in other states where permissive grandfathering and low qualification standards has undermined the effectiveness of their registration systems.

I | I | D | A  
INTERNATIONAL  
INTERIOR DESIGN  
ASSOCIATION

Headquarters 222 Merchandise Mart Plaza, Suite 13-500 Chicago Illinois 60654 1104 USA TELEPHONE 312 467 1950 FACSIMILE 312 467 0779

November 15, 2005

Mr. Walt Fahrer  
Department of Licensing  
Office of Budget and Program Support  
1125 Washington Street, SE  
PO Box 9020  
Olympia, WA 98507-9020

Subject: Interior Design Title Registration

Dear Mr. Fahrer:

I am writing this letter to you to express the support of the International Interior Design Association (IIDA) for the Title Act legislation that the Interior Design Coalition of Washington is proposing to insure the health, safety, and welfare of the public by authorizing the use of the title "Registered Interior Designer" for those individuals qualified by education, experience, and examination.

IIDA recognizes and supports the adoption of legislation allowing individuals conforming to standards of education, experience and examination to be registered interior designers. IIDA firmly believes that legal recognition, achieved through registration, safeguards the health, safety and welfare of the general public, brings uniformity to the profession, defines responsibility, and encourages excellence in the interior design industry.

Similar laws are already in place in 25 states including Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia and Puerto Rico.

In addition, 8 Canadian provinces including Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Saskatchewan, and Quebec have laws defining registered interior designers as those who are qualified by education, experience, and examination to enhance the function, safety, and quality of interior spaces. These laws help to assure that Interior Design that impacts the health, safety and welfare of the public is regulated through state-established criteria.

My interest in interior design and its affect on the health, safety, and welfare of the public comes not only from my current position as a Board Member and Vice President of Government and Regulatory Affairs of IIDA, but also as a registered Interior Designer in the State of Illinois working for Solomon Cordwell Buenz in Chicago.

I am very supportive of the legislation proposing an Interior Design Title Act in Washington and want to encourage you to support it as well. Please feel free to contact me at (312) 896-1173 any time that I can be of assistance to you and the Office of Budget and Program Support.

On behalf of the members of the International Interior Design Association, not only in Washington, but across the world, I urge you and the Office of Budget and Program Support to support legislation providing for a Title Act for "Registered Interior Designers" in Washington.

Thank you for your consideration of this request.

Sincerely,



Carrie L. Fitzpatrick, IIDA  
Vice President of Government and Regulatory Affairs  
International Interior Design Association

January 27, 2004

Senator Joyce Mulliken  
(mulliken\_jo@leg.wa.gov)  
and Members of the Commerce and Trade Committee  
109A Newhouse Building  
P.O. Box 40413  
Olympia, WA 98504-0413

Subject: **House Bill HB 2513 and Senate Bill SB 6194**

Dear Senator Mulliken,

As interior designers at NBBJ (Architecture and Interior Design Firm with offices in Seattle, WA, Marina Del Rey, CA, San Francisco, CA, Columbus, OH, New York, NY, London, United Kingdom, and Beijing, PR China), and constituents of the City of Seattle district, we are writing to endorse House Bill HB 2513 and Senate Bill SB 6194 which will recognize the title of Interior Designer in this state.

Interior designers in our firm work in conjunction with architects and contractors to provide projects that meet the safety and welfare of our clients. We are advocates for interior design excellence and our designs are reflected in projects around the world. Maintaining educational standards is very important to the professionalism of our field and we strongly support HB 2513 and SB 6194.

Through title registration, the public will know that they are hiring professional, qualified interior designers to successfully execute their projects. Our firm, NBBJ, wants the public to know and understand there are critical differences between the trained, educated, and qualified interior designers and others practicing in our field that lack the pertinent qualifications and experience to protect the public's welfare and safety. Completion of a qualified education in interior design and the passage of the NCIDQ exam ensures that a design professional has the minimum understanding of knowledge, including building and fire codes, accessibility, and barrier-free design. The primary goal of this legislation is to clarify this difference to the public.

Thank you very much for your support.

Sincerely,

Rysia Suchecka, IIDA, Hon. AIA  
Partner  
NBBJ

NBBJ

February 15, 2005

Honorable Representative Steve Conway  
Members of the Committee on Commerce and Labor  
307 John L. O'Brien Building  
PO Box 40600  
Olympia, WA 98504-0600

Dear Representative Conway,

As a partner of NBBJ, I strongly support HB 1878 & SB 5754, which protects the title of "registered interior designer" in Washington State. This is a critical and necessary step for the profession to take in the state of Washington. Twenty-six states have already passed acts relating to interior design across the United States. These are comprised mostly of title acts and practice acts. It is important that Washington State catches up with the rest of the country and defines registered interior designers as those who are qualified by education, experience, and examination.

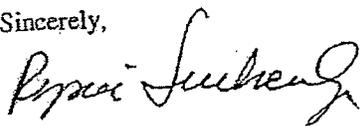
As a practicing interior designer and a partner at NBBJ, I would like to emphasize the importance of passing legislation that legally recognizes interior design in Washington State. Interior designers interpret and apply building and life safety codes, as well as barrier free parameters, on projects and practice every day. The interior designers' contribution to the built environment involves decisions that impact egress, fire separation, accessibility, and the safety of the public. This bill would make a clear distinction by qualification that would educate the consumer and protect the health, safety, and welfare of the public.

As a forward thinking firm, we fully integrate the disciplines of architecture, interior design, and engineering to deliver projects to our clients. Project types include healthcare, corporate, retail, transportation, high rise buildings, hospitality, as well as many other specialized project types. We care about what we do and how we do it. Doing the size and types of the projects that we do, we take pride with the huge responsibility to elevate the practice of design at large. We rely on highly professional, educated, and qualified interior designers to do so. It is imperative to have this HB 1878 & SB 5754 bill passed.

Architects, interior designers, engineers, and contractors collaborate and contribute their special skills to the development and production of the built environment. However, interior design is the only profession that is not regulated by the State of Washington. Passing this legislation would promote consumer knowledge of qualified interior designers, protect the public's interest, and elevate the building profession as a whole.

Thank you for your consideration of this important initiative.

Sincerely,



Rysia Suchecka, IIDA, AIA

111 SOUTH JACKSON STREET SEATTLE WA 98104 TEL 206 223 5555 FAX 206 421 2500

nbbj

November 3, 2005

Mr. Walt Fahrer  
([wfahrer@dol.wa.gov](mailto:wfahrer@dol.wa.gov))  
Department of Licensing  
Office of Budget and Program Support  
1125 Washington St. SE  
PO Box 9020  
Olympia, WA 98507-9020

Subject: **Interior Design Title Registration**

Dear Mr Fahrer,

NBBJ (architecture and interior design firm with offices in Seattle, WA, Marina Del Rey, CA, San Francisco, CA, Columbus, OH, New York, NY, London, United Kingdom, and Beijing, PR China, Shanghai, China), employs 72 interior designers who work on a variety of commercial building types which include both commercial and residential projects (high rise office buildings, airports, hotels, hospitals, nursing homes etc). Interior designers in our firm work in conjunction with architects, engineers, and contractors to provide projects that meet the health, safety and welfare of our clients. The tasks and skills performed by interior designers at NBBJ may include but are not limited to:

- Research and assessment of the client's objectives and requirements
- Interpreting codes, standards, and regulations
- Incorporating ADA and accessibility standards
- Developing the building or space plan
- Selecting building finishes and materials
- Identifying safety issues
- Developing and producing project budgets
- Preparing construction documents
- Writing and compiling specifications
- Selecting furnishing, lighting and equipment

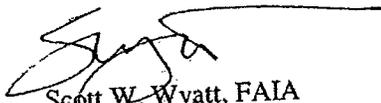
Through title registration, the public can identify professional, qualified interior designers to successfully execute their projects. Our firm, NBBJ, wants the public to know and understand there are critical differences between the educated, trained and certified interior designers and others practicing in the field that lack the qualifications and experience to protect the public's safety and welfare. Completion of a qualified education in interior design, the experience of mentoring under qualified professionals, and passage of the NCIDQ exam ensures that a design professional has minimum understanding and knowledge of building and fire codes, accessibility, and barrier-free design. The goal of this legislation is to clarify this difference to the public.

nbb;

Mr. Walt Fahrer  
November 3, 2005  
Page 2

NBBJ is an advocate for interior design excellence. We believe in maintaining educational and professional standards and strongly support Interior Design Title Registration in Washington State.

Sincerely,



Scott W. Wyatt, FAIA  
Managing Partner

Attachment  
Signatures from NBBJ Interior Designers in support of Interior Design Title Registration in Washington state.

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nbbj

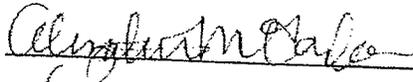
Mr. Walt Fahrer  
November 3, 2005  
Page 3

As interior designers and architects at NBBJ (Architecture and Interior Design Firm with offices in Seattle, WA, Marina Del Rey, CA, San Francisco, CA, Columbus, OH, New York, NY, London, United Kingdom, Beijing, PR China, and Shanghai, PR China), and constituents of the City of Seattle district, we are writing in support of Interior Design Title Registration in this state.

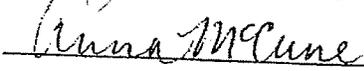
Signatures from NBBJ Interior Designers in support of Interior Design Title Registration in Washington state

Name

Title



INTERIOR DESIGNER



INTERIOR DESIGNER



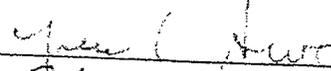
INTERIOR DESIGNER



INTERIOR DESIGNER ~~WAA~~ - Associate



interior designer



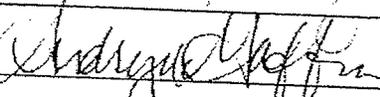
interior designer



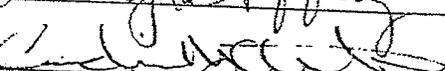
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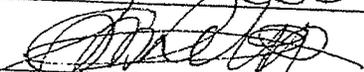
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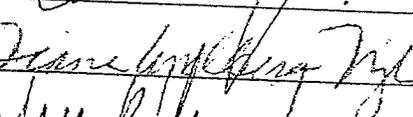
interior Designer



interior designer



INTERIOR DESIGNER



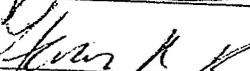
Interior Designer



INTERIOR DESIGNER



Resource Librarian



interior designer

mbb|

Mr. Walt Fahrer  
November 3, 2005  
Page 4

Name

Carol Allen

Pygia Scurlock

MM

Title

Interior Designer

INTERIOR DESIGN AIA

Interior Designer



February 15, 2005

Honorable Representative Conway  
and Members of the Commerce and Trade Committee  
Washington State House of Representatives  
PO Box 40600  
Olympia, WA 98504

Dear Representative Conway:

Callison Architecture is a 468-person multi-discipline design firm, employing 54 interior design professionals and 206 architects.

We strongly support the Title Act for Interior Designers. It is vital to our industry to qualify Interior Designers by education, experience and examination. The results will be a higher level of assurance of the consumer/public health safety and welfare.

Callison urges you and your colleagues to vote for SB#5754/HB#1878.

Thank you for your support.

Sincerely,

Paula Stafford, IIDA  
Design Principal/Board of Directors

PS:sl

CALLISON ARCHITECTURE, INC.

1420 FIFTH AVENUE #2400 SEATTLE, WASHINGTON 98101-2343

T 206 623 4646 F 206 623 4625 www.callison.com



**Architects & Engineers Legislative Council**

November 1, 2005

Ramona Provost  
Department of Licensing  
PO Box 9020  
Olympia, WA 98507-9020

RECEIVED

NOV 03 2005

ACCOUNTING  
SERVICES

Re: Interior Design Licensing

Dear Ms. Provost,

Thank you for your recent inquiry on AELC's position relative to interior design licensing. The Architects & Engineers Legislative Council (AELC) is an organization comprised of eight trade associations and professional societies representing architects, engineers, land surveyors and landscape architects in Washington State.

AELC supports efforts to raise the level of professionalism in the design professions; however the organization has specific concerns relating to the recent legislative proposals to license interior designers:

- **State mandated licensing should be enacted only when the lack of regulation of an industry or profession clearly poses a threat to the public health and safety.** AELC has not seen evidence of a clearly demonstrated threat to the public health and safety from the unregulated practice of interior design.
- **Such requirements would weaken standards for determining professional qualifications by expanding interior designers' scope of practice into areas of architecture and engineering.** By defining interior designers as "registered design professionals" they would be allowed to coordinate, approve and submit architectural and engineering documents to building officials for code approval. Fragmentation of responsibility for the building design process endangers and misleads the public as to respective areas of competence and expertise.

Thank you once again for your inquiry and do not hesitate to contact me if you need additional information.

Sincerely,

Clifford A. Webster

Chris Robertson, Chairman

Clifford Webster, Counsel

Suite 207

700 - 112<sup>th</sup> Avenue NE

Bellevue, WA 98004

Phone (425) 453-6655

Fax (425) 451-3521

[www.aelc.washington.org](http://www.aelc.washington.org)